

Student Rights, Responsibilities, & Conduct at WSSU

Academic Rights

Winston-Salem State University (“WSSU”) is a constituent institution of The University of North Carolina that supports the right to academic freedom for every student. In accordance with UNC Policies, the rights of students to engage in the responsible pursuit of knowledge or their right to fair and impartial evaluate of academic performance shall not be abridged.

First Amendment

WSSU embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution, as they may be amended from time to time. WSSU has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. Winston-Salem State University fully supports the right of a student to assemble peacefully and to express him or herself in a manner in which order is maintained. The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights in a manner consistent with applicable laws and policies, as they may be amended from time to time.

Freedom to Learn

The UNC Board of Governors has prescribed that all students shall be responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community is respected.

Right of Confidentiality (FERPA)

WSSU will comply with The Family Educational Rights and Privacy Act (FERPA) as it may be amended from time to time. No information or documentation referring to a student’s academic or personal life may be released to any party outside the university without the expressed written consent of the student. Any request from a current student, former student or graduate to release information to a third party must be made in writing and include the student’s signature. Students also have the right to inspect and review their own official records, except letters of recommendation.

Participation in Institutional Governance

Students are encouraged participate in activities associated with the governance of the university by serving on various committees, councils and taskforces charged with making decisions.

Student Grievances

Students who believe that their rights under the law or university policy have been violated by an employee, agent or member of the University community should refer to the WSSU Student Grievance and Appeals Procedure link: <http://www.wssu.edu/academics/distance-learning/grievance.aspx#NorthCarolina>

Student Conduct

Students who attend the university are expected to behave in a manner consistent with life at an academic institution. The Student Code of Conduct is intended to reinforce this expectation and governs the behaviors and disciplinary process for violations.

Right to be Heard

Students who have been charged with violations of the *WSSU Student Handbook* are entitled to due process. Students violating standards of conduct will be subject to disciplinary action in accordance with this policy.

Responsibilities

All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. WSSU expects all students and their guest to behave in a manner consistent with campus policies and applicable state and federal laws. Students are expected to observe and adhere to the university's standards of conduct outlined within the WSSU Student Code of Conduct in the classroom, on-campus and off-campus.

STUDENT CODE of CONDUCT

I. AUTHORITY OVER STUDENT CONDUCT

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state and federal laws. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline. The *Code of Conduct* provides the framework for identifying the standards of behavior and minimum due process requirements for addressing or adjudicating violations. Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of The Code of The UNC Board of Governors, Policy 700.4.1, and applicable campus policies, as they may be amended from time to time. Where there is a conflict between The Code of The UNC Board of Governors and this *Code of Conduct*, then The Code of The UNC Board of Governors will control.

II. JURISDICTION OVER STUDENT CONDUCT

The *Code of Conduct* and the processes for its administration and enforcement exist for the protection and advancement of the University community's particular institutional interests. The *Code of Conduct* applies to individual students and University affiliated student organizations and is used to enforce University policies and regulations. The authority to enforce policies, regulations, and sanctioning decisions rests with the Chancellor and has been delegated to the Vice-Chancellor for Student Affairs. A violation of federal, state, and local law may also be a violation of University regulations.

III. OFFENSES UNDER THE CODE OF CONDUCT

The following offenses listed are only examples of various offenses, which fall under the *Code of Conduct*. Neither WSSU, and is not intended to be exhaustive. Students are expected to exercise judgment and discretion in their actions, and are not to:

1. Furnish false or misleading information on University records or forms by commission or omission; knowingly misrepresent the facts pertaining to University procedures; furnish false information to any member of the University community; or misuse documents and keys.
2. Steal, deface or destroy property of the University; possess stolen property; or infringe on the rights or property of members of the University community.
3. Misuse access privileges to University premises including, but not limited to: violate positions of trust or authority; misuse University or organizational names and images; steal or misuse University computing equipment, facilities, passwords, accounts or information.

4. Possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus, or to a curricular or extracurricular activity sponsored by the University.
5. Possess or use weapons, included but not limited to: BB guns, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, switchblade knives, blackjack, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials in any University-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police.
6. Start fires, explode fireworks, improperly use chemicals, and/or tamper with fire-fighting equipment (including, but not limited to, hoses, sprinklers and fire extinguishers).
7. Gamble on University-owned property including, but not limited to, buildings, streets and parking lots.
8. Communicating threats either verbally or written to any members of the University community.
9. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, personal indignities of a highly offensive nature; engage in fighting.
10. Engage in physical abuse, sexual harassment, harassment, non-consensual sexual acts, coerced or forced physical contact via means of intimidation, physical restraint, or violence (For more information, please refer to the *Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time*).
11. Engage in dating violence. Dating is violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship. (For more information, please refer to the *Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time*).
12. Engage in domestic violence. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
13. Violate the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time. (For more information, please refer to *the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time*).
14. Stalk or engage in stalking or engage in a course of conduct directed at specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of other or (2) suffer substantial emotional distress (For more information, please refer to *the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time*).
15. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, or personal indignities of a highly offensive nature, that is in connection with recruitment, initiation, or continued membership in a society, fraternity, or sorority, club, athletic team, or other similar group. Hazing for the purpose of this policy is not limited to the statutory definition. (For more information, please refer to the *Hazing Policy, as it may be amended from time to time*).
16. Engage in any activity that deliberately threatens, harasses, intimidates another individual, or places an individual in reasonable fear of harm to the individual or damage to the individual's property; or has the effect of substantially disrupting the orderly operation of the individual's daily life via the use of electronic information and communication devices, to include but not

- be limited to: e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social media sites, internet chat rooms, internet postings, and defamatory websites (For more information, please refer to *Cyberbullying Policy, as it may be amended from time to time*).
17. Exhibit conduct of a lewd, indecent, obscene, conduct that disturbs the peace, or disorderly manner as defined by state statutes on the campus or at any University-sponsored event or public event while identified as a member of the University community.
 18. Enter or use University facilities without authorization, trespass, and/or misuse of restricted areas; or violate rules governing University residence facilities, including but not limited to the key policy and co-ed visitation policy (For more information, please refer to *Housing and Residence Life Policy, the Guide to On-Campus Living in Housing and Residence Life, and/or the Housing and Residence Life Living Agreement*).
 19. Possess, consume, and/or use alcoholic beverages on University owned property or at a student activity on campus.
 20. Possess alcohol paraphernalia included but not limited to empty alcoholic bottles, alcoholic carton, beer bongs, funnels, kegs.
 21. Consume alcohol while under the statutory legal age, as it may be amended from time to time.
 22. Provide alcohol to a minor or any person not of the statutory legal age to consume alcoholic beverages.
 23. Be publicly intoxicated
 24. Possess and/or use of controlled and/or illegal substance. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes. If the narcotic cannot be lawfully possessed in the State of North Carolina, then you may not possess it on campus.
 25. Share prescription medication with another individual. Such violations will be deemed and cited as “sale or distribution of the illegal substance.”
 26. Possession of drug paraphernalia and/or drug residue, including but not limited to stems, seeds, powder, crystals, and scales. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes.
 27. Share drug or prescription medicine paraphernalia with another individual. Such violations will be deemed and cited as “sale or distribution of the illegal substance/drug paraphernalia.”
 28. Possession with the intent to manufacture, sell and/or deliver any controlled substance or use narcotic drugs, whether controlled or prescribed, on or in University-owned property.
 29. Intend to purchase any controlled and/or illegal substance on, around, or in University-controlled property.
 30. Disrupt university operations; obstruct freedom of movement by community members or visitors; abuse, interfere with or fail to comply in University processes including student conduct hearings/ administrative hearings; fail to comply with directions of University officials.
 31. Aid or abet the violation of *The Code of Conduct*, or assist another person in the commission of a crime or act that violates this policy.
 32. Violate local, state, and/or federal law, as they may be amended from time to time.
 33. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors.

34. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:
- a. Directed toward a particular person or persons;
 - b. Based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors;
 - c. Unwelcome;
 - d. Severe or pervasive;
 - e. Objectively offensive; and
 - f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.
35. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

IV. STUDENT CONDUCT PROCEEDINGS

- A. Student Conduct proceedings may be instituted against a student charged with violation of a law that is also a violation of *The Code of Conduct*, without regard to criminal arrest, criminal charges, prosecution or civil litigation. Proceedings under the *Code of Conduct* are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.
- B. When a student is charged with an off-campus violation of federal, state or local laws, or the laws of another country, conduct action may be taken and sanctions may be imposed, up to and including expulsion, if the off-campus violation is misconduct that demonstrates disregard for the university community or poses a potential threat to that community.

V. NOTIFICATION AND HEARING OF CONDUCT ALLEGATIONS

- A. Allegations of *Code of Conduct* violations will be presented to the Office of Student Conduct, via Maxient Student Conduct System, from WSSU Campus Police or an Incident Report by residence life staff, students, faculty, and/or staff. To report an incident, use the following link to the Maxient Student Conduct Incident Report: <https://publicdocs.maxient.com/incidentreport.php?WinstonSalemStateUniv>. You can also find the link listed on the Office of Student Conduct Homepage, which is located on WSSU's website. Incidents that violate the *Code of Conduct* shall be submitted as soon as possible after it takes place and factual information should be provided to support the charge.
- B. A student may be accused of a violation only with a formal charge/complaint from Director of Student Conduct or Housing Director, or their respective designees, who will send notice of complaint to the student by electronic notification. A student's university-assigned email shall be the method of official communication (For more information, please refer to *Official Method of Communication Policy*).
- C. **Minor Violations:** a minor violation is one for which the possible sanctions are less than suspension and/or expulsion.

1. Due Process Requirements for Minor Violations. Students charged with minor violations of the Student Code of Conduct will receive a notice of the complaint. This notice will:

- a. Contain the substance of the allegations.
- b. Advise the student of his/her right to a staff advisor/advocate or licensed attorney. An advisor/advocate from the University is available to assist in all aspects of the student's case. It is the student's responsibility to contact the advisor/advocate upon receipt of the notice of referral of a complaint. If a student hires or engages a licensed attorney at his/her own expense, then the student must then notify the Office of Student Conduct and provide the attorney's name and contact information. The student and attorney are required to complete several forms, which will be attached to their conduct notification letter and must then be returned to the Office of Student Conduct prior to the date of the scheduled Pre-hearing Conference or Administrative Hearing. Students must execute a FERPA waiver in order to allow the attorney access to the student's conduct information and allow the attorney to share a student's right to speak during the hearing process. The advisor/advocate/attorney will not be allowed to participate in the hearing if the required forms are not executed prior to the Pre-Hearing Conference. All participating advisors/advocates/licensed attorneys will also have to conduct themselves in the same manner to which students are held. If an advisor/advocate/or attorney becomes unruly, or conducts himself or herself in a manner that is disruptive to the proceedings, he or she may be asked to leave.
- c. Advise the student to contact the Director of Student Conduct or a designee regarding the allegations that the student has violated the *Code of Conduct*.
- d. Advise the student that failure to contact the Director of Student Conduct or a designee constitutes a violation of *Code of Conduct*.
- e. Advise the student whether the victim has requested alternative dispute resolution of the allegations and the process for alternative dispute resolution.

2. Prior to formally charging the student, the Director of Student Conduct or a designee will:

- a. Consult with the Vice-Chancellor of Student Affairs or University Counsel when an action is pending in state court, federal court, or court in a foreign country against a student or has been adjudicated in court to determine whether the student has concurrently violated the *Code of Conduct*. If it is determined that the university has been impacted, then the student will be subject to a notification of violation in accordance with the *Code of Conduct*.
- b. Receive and review allegations. Determine whether (1) the allegation, if proven, would constitute an offense under the *Code of Conduct* and (2) based upon the stated allegation, is there reasonable belief that such a violation may have occurred. This screening may involve reading of the case allegations, description of the alleged conduct, or discussion with the individual(s) making the allegation, as appropriate to the situation.
- c. If a complaint is to be pursued, then it is then referred to a hearing official or body. The student must be notified in writing of the alleged violation(s), the referral and the hearing date. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice, unless the student agrees to an earlier hearing date in writing. A committee member or the hearing official who has a conflict with, bias about or interest in the case should recuse himself. If the committee member or the hearing official refuses to recuse himself, a designated university official shall make the recusal decision.

- d. For minor violations, the student may waive the hearing and accept a sanction proposed by a designated university official. The waiver and acceptance must be in writing and signed by the student.
 - e. Determine if the alleged victim desires alternative dispute resolution of the charges.
 - f. Review other University policies affecting students and, if applicable, maintain a copy in the case file and provide a copy to any appeal body that later hears the case.
3. At the PHC, the Director of Student Conduct or a university official assigned to this matter shall provide the student with:
- a. Opportunity to review allegations.
 - b. Opportunity to review student conduct code procedures.
 - c. Notice of formal charges resulting from allegations.
 - d. Notice of restrictions to be imposed, if any, to protect the alleged victim.
 - e. Notice of means of resolving formal charges through written acceptance or denial of responsibility.
 - f. Notice of alternative dispute resolution of the charges if the accuser consents.
 - g. Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the hearing
- A. A student who accepts responsibility shall be advised that:
1. He/she has the right to provide additional information regarding the allegations but is not required to do so.
 2. The Director of Student Conduct or university official assigned to this matter shall make the determination of sanctions.
 3. The student waives his or her right to have the matter heard by a student conduct hearing body.
 4. Any sanctions imposed may be appealed to the Vice-Chancellor of Student Affairs. If the allegations are a violation to the Sexual Harassment and Sexual Violence policy, then the appeal will follow the process defined by that policy.
 5. The student's acceptance of responsibility must be in writing on a form provided by the Director of Student Conduct, which must contain the provisions of 1-4 above and must be signed and dated by the student, Director of Student Conduct or university official assigned to this matter.
- B. A student who denies responsibility or prefers to have the charges heard by the WSSU Student Conduct Council shall be advised that:
1. He/she has the right to provide additional information regarding the allegations but is not required to do so during the PHC.
 2. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice, unless the student agrees to an earlier hearing date in writing. The notice will include the date, time, and location of the Student Conduct Council hearing.
 3. The student must provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student's university-assigned email shall be the method of official communication (For more information, please refer to *Official Method of Communication Policy*).

4. The student has a right to an advisor/advocate/licensed attorney. Licensed attorneys shall be hired at the student's expense.
 5. Student's denial of responsibility shall be in writing on a form provided by the Director of Student Conduct, which shall contain the provisions of this Section (1-4 above) and shall be signed and dated by the student and Director of Student Conduct.
4. Following the PHC, the student will receive written and/or electronic notification of the resolution or adjudication of the charges from the Director of Student Conduct or university official assigned to this matter. The notification will be sent to the contact address provided by the student and in accordance with the *Official Method of Communication Policy*. A student who has accepted responsibility the charges will be advised of the sanctions imposed and the student's right of appeal, unless an administrative hearing is necessary to determine sanctions. If a hearing is required to impose sanctions, then student will be given notice of the date, time and location of the hearing. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice, unless the student agrees to an earlier hearing date in writing. If a hearing is held, it may occur as a meeting between the hearing committee/official and the student. It will be a closed meeting.

D. **Serious Violations:** a serious violation is one for which the possible sanctions are suspension and/or expulsion.

1. Due Process Requirements: Students charged with serious violations of the Student Code of Conduct will receive a notice of the complaint. This notice must be issued within a reasonable time and will:

- a. Contain the substance of the allegations offense(s) charged, the possible sanctions, and a brief recitation of the factual allegations supporting the charge. For all charged offenses which could result in expulsion, the notice must include this possibility and must specify that expulsion precludes matriculation at any UNC constituent institution.
- b. Advise the student that he he/she shall be entitled to an advisor/advocate/licensed attorney. An advisor/advocate from the University is available to assist in all aspects of the student's case. It is the student's responsibility to contact the advisor/advocate upon receipt of the notice of referral of a complaint. If a student hires or engages a licensed attorney at his/her own expense, then the student must then notify the Office of Student Conduct and provide the attorney's name and contact information. The student and attorney are required to complete several forms, which will be attached to their conduct notification letter and must then be returned to the Office of Student Conduct prior to the date of the scheduled Pre-hearing Conference for Student Conduct Council hearing. Students must execute a FERPA waiver in order to allow the attorney access to the student's conduct information and allow the attorney to share a student's right to speak during the hearing process. The advisor/advocate/attorney will not be allowed to participate in the hearing if the required forms are not executed prior to the Pre-Hearing Conference. All participating advisors/advocates/licensed attorneys will also have to conduct themselves in the same manner to which students are held. If an advisor/advocate/or attorney becomes unruly, or

conducts himself or herself in a manner that is disruptive to the proceedings, he or she may be asked to leave.

- c. Advise the student to contact the Director of Student Conduct or a designee regarding the allegations that the student has violated the *Code of Conduct*.
- d. Advise the student that failure to contact the Director of Student Conduct or a designee constitutes a violation of *Code of Conduct*.
- e. Advise the student whether the victim has requested alternative dispute resolution of the allegations and the process for alternative dispute resolution.

2. At the PHC, the Director of Student Conduct or a university official assigned to this matter shall provide the student with:

- a. Opportunity to review allegations and written evidence that will be used at the hearing and obtain a list of witnesses.
- b. Opportunity to review student conduct code procedures.
- c. Notice of formal charges resulting from allegations.
- d. Notice of restrictions to be imposed, if any, to protect the alleged victim.
- e. Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the hearing

3. The student must provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student's university-assigned email shall be the method of official communication (For more information, please refer to *Official Method of Communication Policy*).

4. Following the PHC, the student will receive written and/or electronic notification of the hearing, unless the notice of hearing has already been issued. If a hearing date is not set forth in the formal notice of the charge, written notice of the hearing date must be sent to be received by the student not less than five (5) calendar days before the proceeding is scheduled for hearing. The notice will include the date, time, and location of the Student Conduct Council hearing. It will be a closed meeting. The notification will be sent to the contact address provided by the student and in accordance with the *Official Method of Communication Policy*.

2. Substantive Requirements: In each case there must be sufficient evidence supporting the decision and the sanction.

VI. ALTERNATE DISPUTE RESOLUTION

Upon mutual request by the accused student and the accuser, and with the consent of the Director of Student Conduct or university official assigned to this matter, alternative dispute resolution, which includes but is not limited to negotiated settlements or mediation, may be considered in lieu of formal charges for minor violations or for offenses where the sanction is not greater than a Disciplinary Warning. In those instances, the Director of Student Conduct or university official assigned to this matter is authorized to select the method of alternative dispute resolution.

IX. COMPOSITION AND JURISDICTION OF STUDENT CONDUCT BODIES

A. WSSU Student Conduct Council

The WSSU Student Conduct Council shall hear all cases where a student denies responsibility for an alleged violation of the *Code of Conduct* or request that the case be heard by the WSSU Student Conduct Council. The WSSU Student Conduct Council shall be composed of the SGA Attorney General who shall serve as chairperson from year to year for so long as he/she serves as SGA Attorney General; three (3) students, who meet the specific grade point average for that academic year and have completed at least one semester at the collegiate level; and two (2) members of the faculty and/or staff, who meet all requirements prescribed by the university.

X. HEARING PROCEDURE

An accused and enrolled student who fails to respond to a charge letter, does not attend the Pre-Hearing Conference or at any time fails to respond to notification regarding the hearing process or refuses to abide by the hearing procedures, will forfeit the option of a student conduct council hearing. For minor violations, the Director of Student Conduct or a designee, without further notice, will proceed with the hearing whether or not the accused student is present. For serious violations, the Student Conduct Council will proceed without further notice to the student. If the student is found responsible, each hearing body will determine the appropriate sanction based on information available at that time. The student will be notified by mail and email within ten (10) calendar days of the outcome of this review and of the student's right to appeal, if any.

Students who are not enrolled at the time of the conduct proceeding or who choose not to proceed will not be allowed to register at WSSU until resolution of the complaint of violation of the *Code of Conduct*. The Director of Student Conduct shall notify the Office of Registrar of the pending conduct complaints. If a student attempts to transfer with an unresolved conduct matter, WSSU may notify the other institution and disclose any records associated with the complaint.

A. Hearing Officers and Bodies

Student conduct that contradicts basic interests and policies of the University community will be addressed under hearing procedures designed to facilitate fair and impartial resolution. Hearings, whether held before a hearing officer or full hearing panel, are unlike courts. Student conduct hearings engage in a full discussion of charges and circumstances and are not subject to the formal rules or proceedings of court. The Office of Student Conduct shall designate the University Official to present testimonial and documentary evidence on behalf of the university at all hearings.

1. Student Affairs Administrative Hearings

All cases that may result in separation or interim suspension from the University shall be referred to the Vice-Chancellor for Student Affairs. The Director of Student Conduct or a designee may hear minor violations or complaints that do not have a sanction of suspension or expulsion from the University and that have not been referred to Student Conduct Council.

2. Title IX Hearing

All sexual harassment and/or sexual violence complaints against a WSSU student should

be filed directly with the Division of Student Affairs' (DSA) Deputy Title IX Coordinator Suite 307, Thompson Center, (336) 750-8663 or with the University Title IX Coordinator, Office of EEO/AA and Diversity, Suite 203, Blair Hall (336) 750- 8760.

The complainant should complete the Harassment/ Discrimination Complaint Form (which can be found on the Office of Student Conduct and EEO/AA Office website on the University's web page), detailing when the incident occurred, the nature of the grievance, against whom the grievance is directed to, and any witnesses to the incident. The Title IX hearing shall be handled in accordance with the applicable Title IX policies, as they may be amended from time to time. Unless otherwise provided, Title IX complaints shall not be heard by students.

3. Conflicts of Interest

A committee member or hearing official who has a conflict with, bias about or an interest in a case must recuse himself. If the committee member refuses to recuse himself, a designated university official will make the recusal decision. The student must also be given the opportunity to challenge a committee member or hearing official on these grounds. The decision on the challenge must be made by the committee or official within five (5) calendar days. If necessary, a substituted committee member or hearing official will be appointed. If the committee member or the hearing official refuses to recuse him or herself, the Vice-Chancellor for Student Affairs shall make the recusal decision.

B. Scheduling of Hearings

1. Student Conduct Council

Hearings before the WSSU Student Conduct Councils will be scheduled in accordance with the applicable due process requirements for notice. A hearing may be postponed once for a good cause, including but not limited to illness, unavailability of witnesses or evidence, upon request of either the accused or the accusing party. This postponement will not exceed ten (10) calendar days unless there exist an extraordinary circumstance. The Chair of the hearing body shall determine whether good cause exists to postpone a case.

Licensed attorneys are statutorily authorized to participate in student conduct hearings. The attorney must comply with and remain compliant with the university's rules and regulations that govern the process. For more information, please refer to UNC Policy Manual 700.4[R], as it may be amended from time to time.

2. Title IX Hearing

Once the DSA Deputy Title IX Coordinator receives the written complaint, a Preliminary Administrative Review shall be used to determine if the allegations within the complaint are in violation of WSSU's Policy on Sexual Harassment and Sexual Violence. If the preliminary review indicates a potential violation of the Policy, an impartial investigation into the allegations will begin. If the preliminary administrative review indicates that the allegations within the complaint are not in violation of the aforementioned Policy, the investigator shall terminate the resolution complaint process. Termination of the complaint resolution process following a

preliminary administrative review bars the issue from other university complaint/grievance resolution processes.

If the DSA Deputy Title IX Coordinator reviews the complaint and it indicates potential violation of the Policy, the DSA Deputy Title IX Coordinator will contact all members associated with the possible infraction within a forty-eight hour (48 hour) time frame to begin a formal investigation.

When an allegation of sexual harassment or sexual assault is brought forth to a University official, the DSA Deputy Title IX Coordinator must investigate all allegations and collect information. He or she has the authority to contact and forward said complaint to the respondent, witnesses, or others parties involved.

Upon initial contact by the DSA Deputy Title IX Coordinator, all individuals involved, including the complainant, respondent, and witnesses must respond within ten (10) calendar days. If any party is given a supplemental information request for additional information, he or she must comply within the allotted time frame. If the respondent and/or witnesses do not respond, they will be cited for Failure to Comply with University process in violation of the Student Code of Conduct and referred to the Director of Student Conduct for disposition in accordance with the applicable policies. The DSA Deputy Title IX Coordinator has five (5) calendar days, after completion of all parties' interviews to refer all information to the Dean of Students, who will then adjudicate the case. The Dean of Students has five (5) calendar days to review and if necessary, will contact students for clarification.

C. Attendance

Hearings shall be closed except for the accused, an advisor/advocate/licensed attorney for the accused, the accuser, the University Official presenting the case, the WSSU Student Conduct Council and witnesses or persons who have been asked to testify by either the accused or accuser. Such witnesses or persons asked to testify should be present only for the portion of the hearing that involves their testimony and questions arising from that testimony. The SGA Secretary of Student Conduct will preside over the hearing. The Office of Legal Affairs is available for consultation regarding procedural matters. The Vice-Chancellor for Student Affairs or designee shall be available for consultation if required by the hearing panel.

D. Evidence

Evidence will be allowed if, in the judgment of the hearing panel chairperson, it bears on the facts of the case. No written statements by witnesses or others having knowledge of the allegations may be allowed in the absence of the witness unless the witness has conversed with or been interviewed by the Director of Student Conduct prior to the hearing.

E. Swearing of Witnesses In all cases, witnesses will be sworn before the WSSU Student Conduct Council Hearing begins or before a witness testifies.

F. Witnesses

The testimony of witnesses will be heard if the Chair of the hearing panel determines that the testimony is relevant to the matter being heard and the witness has first-hand knowledge of the facts of the case. Character witnesses may be allowed to testify at the end of the hearing prior to rendering a determination of the alleged violations of the *Code of Conduct*.

At least five (5) days prior to the scheduled hearing, the accused and the accuser shall provide in writing to the Director of Student Conduct or a designee the names of all witnesses they expect to call and the expected testimony of the witnesses. The Director of Student Conduct or a designee shall provide the information to the Chair of the hearing body, the accused, and the accuser for review prior to the scheduled hearing.

If either party calls a witness who has not previously been identified, then the other party may challenge the witness and/or the witness's testimony at the hearing. These challenges will be reviewed by the Chair and either affirmed or denied. The hearing may be continued to a later time or day to allow either the accused or the accuser the opportunity to prepare rebuttal.

In some cases, the Chair of the Student Conduct Council may, upon the request of either party, issue an internal subpoena whenever it is determined that the presence of a witness is required to determine the facts of a case and the witness refuses to appear voluntarily at a hearing. Subpoenas must be personally delivered or sent by certified mail, return receipt requested, to the addresses most recently made available to the university by those parties. WSSU students are expected to comply with subpoenas issued pursuant to this process and students who fail to comply are subject to charges and sanctions for violating the *Code of Conduct*.

G. Multiple Students

Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents in writing to such a proceeding.

H. Confidentiality of Proceedings

Student Conduct Council is a public body and subject to the open meeting laws of the State of North Carolina. However, in accordance with Family Educational Rights and Privacy Act (FERPA) of 1974, conduct hearings and reviews will be closed in order to protect information made confidential under this act. All testimony and information received in a closed hearing and deliberations are considered confidential and shall not be divulged outside the hearing. Any person violating the confidentiality of the proceeding shall be subject to charges and sanctions for violating the *Code of Conduct*. Members of the hearing body are also subject to removal.

I. Conduct Proceedings

1. In all cases involving serious violations (suspensions/expulsions), a transcript or other verbatim record of the hearing (but not of the deliberations) will be prepared. WSSU will be responsible for the costs of this record.
2. The Chair of the hearing panel will introduce those present and will explain the hearing procedures to the parties.
3. The Chair will state the charge and state that the hearing will be recorded.
4. A designated University Official must present sufficient witnesses and/or documentary evidence to establish and in support the alleged violation.

5. The accused and/or the advisor for the accused will be provided access to copies of all documentary evidence submitted by the accuser and will have the right to question the accuser and the accuser's witnesses. The hearing body may ask questions directly to the accuser and the accuser's witnesses.
7. The accused and/or the advisor/advocate/licensed attorney for the accused may respond to the charge and may present evidence in the form of documents and witnesses. The accused may testify or may elect to remain silent. No inference may be drawn from the failure of the accused to offer testimony.
8. If the accused presents evidence, the accuser and/or the designated University Official will be provided access to copies of all documents submitted and may question the witnesses, including the accused if the accused has elected to testify. The hearing body may ask questions directly to the accused, if the accused elects to testify, and the accused's witnesses.
9. The accuser and/or the designated University Official may submit evidence, including testimony, to rebut evidence presented by the accused. The accused and the hearing body may ask questions directly to any rebuttal witnesses.
10. The accuser and/or the designated University Official will be provided the opportunity to make a final statement.
11. The Chair of the hearing panel will conclude the evidentiary portion of the hearing and set a time for deliberations to begin. Upon the conclusion of the hearing, the Chair will advise all hearing participants of the obligation of confidentiality and to refrain from discussing confidential information outside of the convened meetings. Breach of this directive by any university student will constitute a separate violation of *Code of Conduct*.
12. Deliberations will normally continue until a decision as to whether the accused student committed the offense charged has been reached. At the conclusion of the evidence, the committee/official will determine whether the charging official has shown by a preponderance of the evidence that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing. The committee or official will also determine the appropriate sanction. Recesses or continuation of the deliberations to a later time or a later day will be granted at the discretion of the Office of Student Conduct. Deliberations by the hearing panel shall not be recorded or heard before the court reporter.
13. If the hearing body finds by a preponderance of the evidence that the accused committed the offense, testimony may be heard from interested parties, including character witnesses, prior to the imposition of sanctions. The court reporter shall be present and record verbatim testimony from all parties and witnesses presenting information. The Chair will conclude this portion of the hearing and hearing body will then deliberate applicable sanctions.
14. The hearing panel will determine appropriate sanctions within the ranges specified in the definitions herein.

J. Standard of Proof

Decisions by the hearing panel shall be based on a *preponderance of the evidence*, that it is more likely than not that the alleged violations have occurred and that the accused student was responsible for the violation.

K. Decision

1. Student Conduct Council

Conduct hearing panels shall decide whether the student committed the offense charged by simple majority vote of the panelists present. The Student Conduct Council is not authorized to hear matters involving violations of Title IX.

2. Title IX Hearing

For Title IX Hearing matters, the Dean of Students will reach a decision and sanction according to the Student Code of Conduct. Notifications will be sent to respondent(s) and complainant(s). The Title IX process is completely separate from the WSSU Student Conduct Council. The entire resolution process will be completed within sixty (60) calendar days from the University's receipt of written complaint, barring extenuating circumstances. If these circumstances occur, the respondent will be notified. The respondent and/or complainant may appeal the sanction based on the appeal grounds in accordance with the Appeals Process for Sexual Harassment/Sexual Violence, as it may be amended from time to time.

L. Sanction Assignment

After determining that the accused student committed the offense charged, those hearing the allegations will assign a sanction. In assigning an appropriate sanction, the prior conduct history of the accused, as found in the records of the Office of Student Conduct, if any exist, shall be considered. The testimony of character witnesses may be considered. Consideration may also be given to aggravating or mitigating circumstances including, but not limited to:

- Intent to act in the manner described
- Intent to violate the policy or regulation described
- Prior violations or related behavior
- Other personal circumstances that might have affected the student at the time of the infraction.

The decision of the hearing panel will be in writing and include a brief statement of the evidence that supports the finding of violation of each provision of *Code of Conduct* and a brief statement of the evidence that supports the sanctions it determines should be imposed. The decision of the hearing panel will be in the form of a recommendation to the Vice-Chancellor of Student Affairs in all suspension and expulsion cases. The Vice-Chancellor of Student Affairs or his/her delegate must make the conduct determination in all suspension and expulsion cases.

The Chancellor must make the final agency decision in all suspension and expulsion cases. If an appeal follows a review or hearing, all sanctions resulting from the review or hearing are held in abeyance pending the outcome of the appeal unless the student poses a serious threat to the campus or campus community.

M. Notice of Decision

The final hearing decision must be transmitted to the student in writing within ten (10) calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

Appeal rights must be specified in the decision letter as provided herein. Appeal rights include the name and address of the body or person to whom an appeal shall be directed and the time period in which the appeal shall be made.

VII. SANCTIONS

The primary purpose of sanctions in *Code of Conduct* is to protect the university community from behavior that is disruptive, threatening or dangerous to others, lewd, indecent and obscene, or which impairs the primary function of the University to educate students. Sanctions under *Code of Conduct* may be tailored to suit the circumstances of each offense. Though maximum penalties are identified by *Code of Conduct*, lesser penalties may be selected, depending on the circumstances and based upon the Policy Violations List and Sanctions Levels attached to *Code of Conduct*.

In cases where alcohol and/or drug usage are known or where the accused student exhibits extreme violent or abusive behavior, sanctions imposed may be suspended pending drug and alcohol abuse assessment and counseling. Drug or alcohol assessment or counseling may be provided via campus based or community based resources as determined by the Director of Student Conduct and/or University Counseling.

Sanctions of expulsion and suspension affect the student's academic enrollment at the University. In order that students under expulsion, suspension or limited participation in daily campus life do not contravene the terms of the sanctions, the Vice-Chancellor for Student Affairs shall, in writing, notify the Vice - Chancellor for Academic Affairs, Financial Aid office, Registrar, Director(s) of Residence Life, University Police, and such other offices as are necessary to insure that the sanction is enforced. The Vice-Chancellor for Student Affairs may also impose a "No Trespassing" sanction on a student, verbally and in writing, informing the student of specific guidelines to adhere to related to visiting the campus. Other offices may be notified based upon a determined "need to know" as defined in applicable law and policy. Upon termination of such sanctions, the offices will again be notified. Information about suspension or expulsion is maintained permanently in the student's student conduct record.

If an appeal is filed, it is to the discretion of the Vice-Chancellor of Student Affairs to allow the sanction to be temporarily inactive until the appeal is resolved. In circumstances where the Vice-Chancellor for Student Affairs and the Chancellor determine that the continued presence of a student on campus is a danger or threat to University property, or the student is a danger to him/herself or others, an interim suspension may be imposed immediately and shall remain in effect pending the outcome of a hearing and any appeal.

Sanctions that may be imposed are:

- **Interim Suspension** - Temporary separation of a student from the campus when the Vice-Chancellor for Student Affairs believes such separation is necessary or from a classroom when requested by a faculty member under the University's Classroom Disruption Policy:

- a. To ensure the safety and well-being of members of the University community or preservation of University property;
- b. To ensure the student's own physical or emotional safety and well-being;
- c. If the student poses a definite threat to, disruption of, or interference with the normal operations of the University or its members, or one or more classes as determined by the Classroom Disruption Policy.
- d. When a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b)

Any student subject to interim suspension shall have an expedited right of appeal as provided in the appeal section of the *Code of Conduct*.

- **Expulsion** - Permanent separation from the University that can only be removed by written petition to the Chancellor and accompanied by supporting documentation for reinstatement. No petition for reinstatement made earlier than two (2) years from the date of the expulsion shall be considered. Expulsion is warranted in cases of falsified admission applications, possession of a firearm or any weapon of mass destruction and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to the *Code of Conduct* is deemed offensive to the community standards and the safety of the campus community.
- **Suspension** – Separation from the University for a definite period of time, which coincides with the official ending of an academic semester or summer session. Suspension is required for possession or use of any weapon not referenced in expulsion above and for which permission to possess has not been granted by the Chancellor, registered with the WSSU Campus Police Department and stored according to specific directions from the Vice-Chancellor for Student Affairs. A second weapons offense shall result in expulsion. A first offense for simple possession of a controlled and/or illegal substance will result in suspension. Suspension is also required in cases where the severity of the violation to the *Code of Conduct* is offensive to the community standards and safety of the campus community.
- **Deferred Suspension**- Deferred Suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the *Code of Conduct*. During a Deferred Suspension, the student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Director of Student Conduct, Dean of Students, and/or Vice-Chancellor for Student Affairs determines otherwise in exceptional circumstances. Students on Deferred Suspension may be limited in their abilities to represent the University on any athletic team other than intramurals, hold an office in any registered student organization, represent the University in any extracurricular activity or official function, or participate in any study abroad program. Deferred Suspension may also include the denial of specific University privileges, including but not limited to, attendance at athletic functions and residence hall visitation for a designated period of time. The duration of any Deferred Suspension period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

- **Disciplinary Probation-** The loss, for a specified period of time, of designated social privileges which include, but are not limited to:

- a. Varsity sports
- b. Intramural sports
- c. Band(s) and choir(s)
- d. Cheerleading squad
- e. Fraternities and Sororities
- f. Participation in student organizations
- g. Serving in a leadership capacity in any student organization
- h. The right to represent the University in any specific activity
- i. Residency in University housing

- **Housing Probation-** An official notice provided in writing informing student(s) of the need to modify behavior to the Guide for Living on Campus and the terms set forth in the Housing Contract. Further violation of any policies can and will result in the revocation of student(s) housing privileges and the cancelation of student(s) housing contract. At which time student(s) will be removed from housing and responsible for securing housing off-campus.

- **Disciplinary Warning-** An official reprimand provided in writing that advises of a student's need to conform the student's behavior to the *Code of Conduct* and further advises that any subsequent violation of the same nature by the student within a two (2) year period will automatically result in disciplinary probation.

- **Deferred Housing Revocation-** Deferred Housing Revocation means that the student's housing contract will be officially revoked, but the revocation will be deferred, meaning that the student may continue to live in the selected residential hall, however, the revocation from the residential hall will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Director of Student Conduct, Dean of Students, and/or Vice-Chancellor for Student Affairs determines otherwise in exceptional circumstances. Further violation of the policies can and will result in the permanent revocation of the student(s) housing privileges and the permanent cancelation of student(s) housing contract indefinitely. At which time student(s) will be removed from housing immediately, responsibly for all remaining charges/fines, and responsible for securing housing off-campus. The duration of any Deferred Housing Revocation period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

Administrative Mediation- This method of resolving a dispute utilizes a third party to consult with those involved and recommends a solution which is binding on the parties. The parties involved will be held to the agreement. Should parties violate the agreement, they will be charged with Item 27: Failure to comply with University process, in the *Code of Conduct*, plus any additional violations.

- **Restitution-** Reimbursement of any cost incurred as a direct or indirect consequence of the student's violation of the *Code of Conduct*.
- **Community Service-** Volunteer service to an on-campus or off-campus department, division, faculty or staff member for a specific number of hours within a specified period of time. Community Service could be sanctioned through the Office of Career Services or the Office of Interpersonal Violence Prevention.

Educational- Includes referrals to the University Counseling Center, reflective essays, or participation in educational programming that addresses the violation. The referral to the

University Counseling Center can be for an assessment and/or counseling for substance abuse, anger management, or psychological assessment. If a student has been found in-violation of alcohol or illegal substance usage, they will be sanctioned with having to complete an educational session via different electronic programs (ex.AlcoholEDU program, e-Toke Marijuana Screening, e-Chug Alcohol Screening).

VIII. FILING AN APPEAL

A. Authority for Appeal

The State of North Carolina and the Board of Governors of the University of North Carolina System vest the authority for governance of student conduct in the Chancellor. All decisions rendered under *Code of Conduct* are subject to review and alteration by the Chancellor of the University or the Chancellor's designee. This policy provides appeal to the Board of Trustees from a decision by the Chancellor in the case of a suspension or expulsion. In accordance with The UNC Code of The Board of Governors Section 502D(3), "In the discharge of the Chancellor's duty with respect to matters of student discipline, it shall be the duty of the Chancellor to secure for every student the right of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to such advice and assistance in the individual's defense as may be allowable under the regulations of the institution as approved by the Chancellor."

Any individual in need of a reasonable accommodation on the basis of a disability to obtain an extension to the appeal timeframe due to that disability should submit a request to the Associate Director of Disability Services at dds@wssu.edu, (336) 750-8658, or <http://www.wssu.edu/administration/eo-aa/dept-of-disability-services/default.aspx>.

The request must be submitted with at least 72-hour notice in order to allow time to secure resources appropriately and have all parties notified of the needed extension before appeal deadline. In those instances where the denial of any of these rights is alleged, it shall be the duty of the President to review the proceedings.

B. Appeal Procedure

1. INTERIM SUSPENSION

Any student subject to interim suspension will be notified by the Vice-Chancellor for Student Affairs, in writing via hard copy and electronically, to the permanent/local address and the WSSU email address most recently made available to the University by the student.

a. The notice shall state the charge, the intent to suspend effective immediately, and the opportunity to respond in writing or by personal interview within twenty-four (24) hours of delivery of the notice to the student. Notice shall be made by hand delivery or certified mail.

b. An accused student wishing to contest an interim suspension must provide a written response or request a personal interview within twenty-four hours of receipt of notice of intended suspension or actual suspension from a classroom.

c. After such appeal has been reviewed and/or the twenty-four hour period has passed, the Vice-Chancellor for Student Affairs will notify the student within twenty-four (24) hours of action on the suspension by certified or hand-delivered letter.

d. If the suspension is not reversed, a student may request a hearing before the WSSU Student Conduct Council to resolve all matters related to the interim suspension. Said hearing will be in compliance with the standard hearing processes but will be held within 48 hours of the decision to continue the suspension, or as soon as possible. The time frame of the incident within the academic year has to be taken into consideration. For example: exam week, right before Christmas break, etc.

During the interim suspension, the student shall be denied access to residence halls and the campus (including classes), and all other activities or privileges for which the student might otherwise be eligible. In the case of a classroom disruption charge, the student shall be denied access to the class that is the subject of the charge. Following the expedited hearing, the student may appeal a final decision on the merits of the case as set out below.

C. Appeal from Student Conduct Council Hearing Body

A student found responsible for an offense under the *Code of Conduct* may appeal the recommendation of a student conduct body and/or the imposition of sanctions recommended by the student conduct body by submitting a written request for a review within ten (10) calendar days of the finding. The student conduct council hearing bodies include:

- The Director of Student Conduct or a designee
- The WSSU Student Conduct Council
- The Vice-Chancellor for Student Affairs

D. Grounds for Appeal

1. The decision of a student conduct council body may be appealed upon the following grounds:
 - Procedural error sufficient to have altered the outcome of the hearing
 - Discrimination based on the student's membership in a protected class (race, creed, color, sex, identifies with the LGBTQ community, national origin, physical disability or age over 40) as defined by Executive Order 11246
 - New, or newly discovered evidence previously unavailable
 - Excessive or inappropriate sanctions
 - Decision or judgment not supported or justified by the evidence
 - Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the

student, and the right to advice and assistance in the individual's defense as allowed under the regulations of the institution as approved by the Chancellor.

The student must write the notice of appeal which must state at least one of the above grounds or it shall be dismissed without further action. The notice of appeal shall state the facts that support the request and the outcome desired. The student will receive, along with his or her decision letter, an appeal form that must be completed, and submitted to the Office of Student Conduct, in a sealed envelope within the designated timeframe.

1. An appeal to the Board of Trustees [in the case of a suspension or expulsion] or an appeal to the Board of Governors[in the case of an expulsion] is allowable only on the following grounds:
 - i. a violation of due process, or
 - ii. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.
2. Notice of appeal to the Board of Trustees or the Board of Governors must be given within ten (10) calendar days of receipt of the decision leading to the appeal.

Title IX appeals shall be handled in accordance with the *Resolution Procedures for Student Complaints of Sexual Harassment Sexual Violence*. The Title IX Appeals process is the following:

The respondent and/or complainant can appeal the given sanction based on evidence of any of the following grounds:

- Discrimination based on the student's membership in a protected class (race, creed, color, sex, identifies with LGBTQ community, national origin, physical disability or age over 40) as defined by Executive Order 11246
- New or newly discovered evidence previously unavailable
- Decision or judgment not supported or justified by the evidence
- Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to be advised and assistance in the individual's defense as allowed under the regulations of the institution as approved by the chancellor.

E. Lines of Appeal

To appeal sanctions imposed from the Director of Student Conduct or a designee, the appeal shall be directed to the Associate Vice-Chancellor for Student Affairs/Dean of Students or a designee.

The next and final line of appeal is to the Vice-Chancellor for Student Affairs. This is the line of appeal only for sanctions up to Disciplinary Probation and Housing Revocation.

For serious violations (suspensions and expulsions), appeals from the Vice Chancellor, should be directed to the Chancellor. Appeals from the Chancellor should be directed to the Board of Trustees through the Office of the Chancellor. For suspensions, the Board of Trustees decision is final.

For expulsions, the appeal from the Board of Trustees should be directed to the Board of Governors through the Office of the President of the UNC-System. The Board of Governors decision is final.

Respondent and/or complainant have ten (10) business days to submit an appeal. All appeals (appeal #1 or #2) must be submitted to the Office of Student Conduct, which is located in the Thompson Center, suite 303.

There are two appeal processes for sexual harassment and/or sexual violence (Title IX) sanctions. They are the following:

Appeal Process #1: Appeals of sanctions of Suspension or Expulsion:

1. Respondent and/or complainant appeals are submitted to the Sexual Offenses Appeal Board (SOAB) which is comprised of a three committee member board (faculty and staff).
2. The SOAB will review the case file and give a recommendation to the Vice-Chancellor for Student Affairs (VCSA).
3. The VCSA can then accept the recommendation or decline. The VCSA has ten (10) calendar days to respond to the appeal.
4. Respondent and/or complainant may appeal the VCSA's decision based on the appeal grounds stated above; respondent and/or complainant appeals to Chancellor for suspension or expulsion cases only. The Chancellor has thirty (30) calendar days to respond to the appeal.
5. Respondent and/or complainant may appeal the Chancellor's decision based on the appeal grounds stated above; respondent and/or complainant appeals to the Board of Trustees (BOT) for suspension or expulsion cases only. Line of appeal for suspension cases stops here. BOT has not published a time frame by which it will respond to appeals.
6. Respondent and/or complainant may appeal the BOT decision based on the appeal grounds stated above; respondent and/or complainant appeals to the BOG for expulsion cases only. BOG has not published a time frame by which it will respond to appeals.

Appeal Process #2: Appeals of sanction of less than Suspension:

1. Respondent and/or complainant appeals are submitted to the Vice-Chancellor for Student Affairs. The VCSA has ten (10) calendar days to review and make a recommendation to the Chancellor.
2. The Chancellor will then render a decision on the appeal. The Chancellor's decision is final.

F. Authority of Appeal Body

The body hearing an appeal may:

- Render a decision on the record, upholding the previous decision, referring the matter back to the lower body for further proceedings, or deciding the outcome of the case.
- Hear the case de novo.
- Go outside the existing record and secure additional evidence.

G. Response Time

Appeals to the Vice-Chancellor for Student Affairs or the Chancellor shall be responded to within thirty (30) calendar days. The thirty (30) calendar days begins once the Vice-Chancellor for Student Affairs or the Chancellor has received the appeal.

In Title IX cases where suspension and expulsion are warranted, the VCSA has ten (10) calendar days to respond to the appeal. The Chancellor has thirty (30) calendar days to respond to the suspension and/or expulsion appeals. For appeals of minor violations, the VCSA has ten (10) calendar days to review and make a recommendation to the Chancellor.

XI. MAINTENANCE OF VERBATIM RECORD

A transcript or other verbatim record shall be made of each hearing before a panel and shall be preserved so long as the possibility of appeal remains open. Following this period, the verbatim record shall be destroyed. The verbatim record and any written record remains the property of the University and may be reviewed by the accused, by appointment, for the purposes of appeal or by the appeal body reviewing the decision and imposition of sanctions. A request for review of the verbatim record shall be made to the Director of Student Conduct who shall be responsible for the maintenance of the verbatim record and all other hearing records.

XII. STUDENT CONDUCT PROCEEDING RECORDS

All records concerning *Code of Conduct* violation hearings under this procedure shall be held in the Office of Student Conduct. Medical, psychological, or other assessment related records and materials shall remain in the files of the agency professional responsible for assessment or counseling procedures and shall not be considered a part of the student's educational record. All student records shall be protected according to the provisions of the FERPA of 1974.

XIII. REQUEST TO REVIEW EDUCATIONAL RECORDS

Students who wish to contest information contained in the student conduct proceeding records, including a request for removal of information from the record, must address such requests in writing to the Vice-Chancellor of Student Affairs, who shall review the request and notify the student of any actions related to the contention or request.

XIV. SPECIAL CASES

- Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents to such a proceeding.

- Pursuant to the Campus Security Act and Title IX, in cases of alleged sexual assault, the complainant and the respondent are entitled to have the same opportunities to have others present during a disciplinary proceeding.
- Pursuant to the FERPA of 1974, victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. Results mean the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction, if any, imposed, the duration of the sanction, and the date the sanction was imposed.
- When a student with a disability is charged with an offense, the University shall assure that all requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act are met.

XV. INTERPRETATIONS AND REVISION:

Any question of interpretation regarding *Code of Conduct* shall be referred to the Vice-Chancellor for Student Affairs or University Counsel for final determination. *Code of Conduct* shall be reviewed annually under the direction of the Vice-Chancellor for Student Affairs and University Counsel.

Effective Date: This amended policy becomes effective upon approval by the BOT.

Approved: This 20th day of March 2015.

Debra B. Miller, Chairman
WSSU Board of Trustees

Vivian H. Burke, Secretary
WSSU Board of Trustees