



CORNERSTONE

I am an engaged learner in constant search of knowledge.

I foster human dignity through acts of civility and respect.

I maintain a distinguished character based on truth, honesty and integrity.

I pursue inner-peace by recognizing the significance of spirituality.

I demonstrate honorable citizenship through acts of civic engagement.

I embrace community by active involvement and service.

I lead a lifestyle that advances physical health and emotional well-being.

*As members of the UNCW student body, staff, faculty, and administration, we
aspire to the following:*

Seahawk Respect Compact

In the pursuit of excellence, UNC Wilmington actively fosters, encourages, and promotes inclusiveness, mutual respect, acceptance, and open-mindedness among students, faculty, staff, and the broader community.

~ We **affirm** the dignity of all persons.

~ We **promote** the right of every person to participate in the free exchange of thoughts and opinions within a climate of civility and mutual respect.

~We **strive** for openness and mutual understanding to learn from differences in people, ideas, and opinions.

~We **foster** an environment of respect for each individual where differences are celebrated by the elimination of prejudice and discrimination through education and interaction with others.

Therefore, we expect members of the campus community to honor these principles as fundamental to our ongoing efforts to increase access to and inclusion in a community that nurtures learning and growth for all.

2022-2023

UNCW CODE OF STUDENT LIFE

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The [UNCW Policy website](#) serves as a policy index and repository for official UNCW policies. In addition to the website, policies are also found in various handbooks, brochures and other university publications. To the extent of any conflict between the policies found on the website and the policies found in handbooks, brochures or other university publications, the policies as listed on the website shall be the controlling authority and shall supersede any other versions of same or similar subject matter. The site is not intended to serve as the repository for all internal policies, procedures and guidelines from the respective college and schools of the university. For access to college, school and department level internal policies, procedures and guidelines, please contact the appropriate unit for information.

Code Revised May 2023 (v1.3)



Dear Students,

Welcome to the University of North Carolina Wilmington! You have made an excellent choice by selecting UNCW as the place to achieve your college education. At this world class university, you will experience a top notch faculty intent on conveying their knowledge and expertise to help you learn in a dynamic and highly applied and experiential manner, and a staff who are committed to helping you learn and grow outside the classroom in order to develop a broad range of competencies and leadership skills. You will experience these caring educators in state-of-the-art facilities designed to maximize your focus on learning and developing the skills you need to be successful after college.

As a partner in the learning process, we will challenge you to make the most of your UNCW journey. This means taking advantage of your learning opportunities, pushing yourself to your creative limits, and experiencing things that are unfamiliar to you. By all accounts, your college experience should stretch you in new ways, and be highly transformative in nature. You will leave UNCW not just with a degree, but with the ability to be a leader in your chosen profession.

As with any opportunity, you will also carry the responsibility of being a citizen in this community where treating yourself and others with the highest dignity and respect is a foundational expectation. Get familiar with the holistic wellness model *Healthy Hawks*, which will help develop your mind, body and spirit. UNCW is a special place where community members are open to helping each other, to learning from and with each other, and where honesty and accountability are primary character traits. Be passionate about your convictions, but be compassionate about the convictions of your peers even when they stand in direct contrast to your beliefs. The college environment is society's finest marketplace of free exchange of ideas and thoughts, a value we hope you will share and defend as a member of the Seahawk nation.

Finally, we want to make clear that UNCW is a community where all members are afforded the highest levels of dignity and respect. Be kind to yourself and to all others, and practice the tenets of the Seahawk Respect Compact., if you break a rule we encourage you to be forthright, honest, and reflective about your decisions. College at times will be about making mistakes, but also reflecting on them so learning and growth occurs.

We look forward to your active engagement in the UNCW community, and hope you will rely on the UNCW team to assist you at any point along your journey.

With Seahawk Pride,

A handwritten signature in black ink that reads "Mike Walker". The signature is fluid and cursive, with the first name "Mike" being more prominent than the last name "Walker".

Dr. Mike Walker
Associate Vice Chancellor for Student Affairs / Dean of Students

University of North Carolina Wilmington

University Mission Statement

The University of North Carolina Wilmington, the state's coastal university, is dedicated to the integration of teaching and mentoring with research and service. Our commitment to student engagement, creative inquiry, critical thinking, thoughtful expression, and responsible citizenship is expressed in our baccalaureate and masters' programs, as well as doctoral programs in areas of expertise that serve state needs. Our culture reflects our values of diversity and globalization, ethics and integrity, and excellence and innovation. *Adopted by the UNCW Board of Trustees on September 10, 2015, and approved by the UNC Board of Governors on October 30, 2015.*

University Statement of Academic Expectations for Students

In choosing UNCW, you have become part of our community of scholars. We recognize that the UNCW learning experience is challenging and requires hard work. It also requires a commitment to make time available to do that hard work. The university expects you to make academics your highest priority by dedicating your time and energy to training your mind and acquiring knowledge. Academic success in critical thinking and problem solving prepares you for the changes and challenges you will encounter in the future. Our faculty and academic support resources are readily available as partners in this effort, but the primary responsibility for learning is yours.

Accommodations for Students with Disabilities within the Conduct Process

The University of North Carolina at Wilmington is committed to providing appropriate accommodations to students with disabilities to ensure that all students have equal access to all College programs and services, including the student conduct process. This includes accommodations provided under the Americans with Disabilities Act (as amended) and related regulations. All students with disabilities who are involved in the student conduct process, including complainants, respondents, supporters, and witnesses may seek accommodations for any stage of the student conduct process, including conduct and honor board hearings community review board hearings, administrative hearings, investigations, and any pre- or post-hearing meetings.

Students with accommodation requests must register with the Disability Resource Center and qualify as student with a disability. Students will be held accountable for making any request in a timely fashion. UNCW may not be able to provide an accommodation which is not requested with reasonable advanced notice before the accommodation is needed to allow time for review and implementation. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the student conduct process.

The DRC may consult with the conduct office representative to determine, based on appropriate legal standards and UNCW policy, what accommodation, if any, may be appropriate. All students are required to comply with the Code of student Life and all accommodations will be determined based on need to access the conduct process, not to retroactively dismiss conduct violations. Accommodations cannot be applied retroactively; students must arrange for accommodations in advance.

Reaffirmation of Commitment to Equal Educational and Employment Opportunity

At the University of North Carolina at Wilmington (UNCW), our culture reflects our values of inclusion, diversity, globalization, ethics, integrity, and innovation, and we are committed to providing equality of educational and employment opportunity for all persons without regard to race, sex (such as gender, gender identity, marital status, childbirth, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other

This publication is available in alternative format upon request.

university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. UNCW believes that embracing the unique contributions of our faculty, staff and students is critical to our success and paramount in being recognized for our global mindset. This Policy prohibits all forms of discrimination based on a person’s protected status as established by the laws listed below.

This affirmation is published in accordance with 41 CFR Part 60 and is implemented in accordance with the following laws and their amendments: Title IV, VI, VII of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; Title II of the Genetic Information Non Discrimination Act of 2008; Age Discrimination in Employment Act; Age Discrimination Act of 1975; Equal Pay Act of 1963; Section 504 of the Rehabilitation Act of 1973; Executive Order 11246; Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; Violence Against Women Act; Vietnam Era Veterans' Readjustment Act; the Civil Rights Restoration Act of 1988; The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime and N.C. General Statutes Chapters 116, 126, 127B, and 168A.

To ensure that equal educational and employment opportunity exists throughout the university, a variety of diversity and inclusion efforts and a results-oriented equal opportunity/affirmative action program have been implemented to overcome the effects of past discrimination, enhance our culture and to eliminate barriers to educational or employment opportunities for all qualified individuals. Copies of the equal opportunity/affirmative action program are available for review upon request in the Human Resources Department M-F, between 8:30 a.m. to 4:30 p.m. The University of North Carolina at Wilmington is committed this program and is aware that, with its implementation, positive benefits will be received from greater utilization and development of a diverse and inclusive environment.

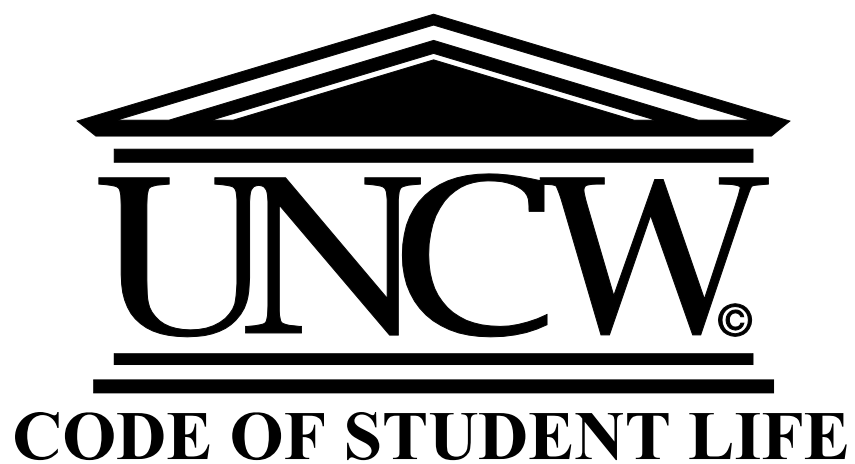
Statement on Diversity and Inclusion in the University Community

“Diversity” means the ways in which individuals vary, including, but not limited to, backgrounds, personal characteristics, ideas, beliefs, cultures, and traditions that distinguish one individual or group from another, which may include, but are not limited to, Federal, State, University, and constituent institution protected classes. “Inclusion” means the enablement of individuals, including those from underrepresented groups, to fully and equitably have access to, and participate in, the University’s programs, services, facilities, and institutional life. “Diversity and Inclusion (D&I)” collectively means the intentional efforts undertaken to create an institutional culture and a working and learning environment that offers acceptance, support, and respect for a diversity of individuals as they pursue their academic, research, and professional ambitions and interests.

Unlawful Harassment, Discrimination, and Retaliation

The University of North Carolina at Wilmington affirms that students and employees are entitled to an educational and employment environment free from unlawful harassment or discrimination based on that individual’s race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. Further, no student or employee shall be subject to retaliation for bringing a good faith complaint pertaining to unlawful harassment or discrimination or for protesting such behavior directed against another member of the university community.

For more information concerning ways in which our multicultural learning community may be nurtured and protected or complaint resolution procedures, contact the Office of Institutional Diversity and Inclusion, the Office of the Dean of Students, the Office of Academic Affairs, or the Office of Human Resources.



PREFACE

The *UNCW Code of Student Life* outlines the rights and responsibilities and expected levels of conduct of students on and off campus. The purpose of the rules herein is to prevent abuse of the rights of others and to maintain an atmosphere in the university community appropriate for an institution of higher learning. Sections in the *UNCW Code of Student Life* cover academic concerns (grievances and standards) and student conduct and appeals.

Rules included in the *UNCW Code of Student Life* are subject to amendment or revision. Any member of the university community may submit proposed amendments or revisions to the vice chancellor for student affairs. The vice chancellor for student affairs may also ask the Committee on Student Matters, a standing advisory committee of the Faculty Senate, to make recommendations. All substantive changes are reviewed in consultation with the General Counsel and the chancellor is informed accordingly.

Students at the University of North Carolina Wilmington are subject to, and enjoy the protections of, the Constitution and laws of the United States and of North Carolina, as well as the [Code of the Board of Governors of the University of North Carolina](#) and relevant policies of the Board of Governors and of the Board of Trustees of the University of North Carolina Wilmington. This *UNCW Code of Student Life* is interpreted by reference to these sources of law and guidance. The following sections of the [Code of the Board of Governors](#) should be noted especially:

Section 600.

Freedom and Responsibility in the University Community

- (1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.
- (2) The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn and otherwise to seek and speak the truth.
- (3) Faculty and students of the University of North Carolina shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

Section 608.

Students' Rights and Responsibilities

- (1) The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allotted functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.
- (2) All students shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth and freedom of each member of the academic community are respected.
- (3) In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process as set forth in Section 502 D(3) of this *Code*.

Section 502 D (3).

Relation of the Chancellor to the Constituent Institutions

Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. 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 to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds: a) a violation of due process; or b) a material deviation from the Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Procedures, Section 700.4.1 of the UNC Policy Manual.

Where the sanction is suspension or expulsion, an appeal may be made to the board of trustees. No appeal to the president or the Board of Governors is permitted.

Section 700.4.1

Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings

The purpose of this policy is to establish legally supportable, fair, effective and efficient procedures for student disciplinary proceedings. The minimum standards for these proceedings are set out below. These minimum standards exceed the requirements of due process and therefore complying with these requirements will also result in providing due process.

I. Elements of Policy

The two kinds of standards that must be followed are procedural standards and substantive standards.

II. Procedural

The procedural standards require notice and an opportunity for a hearing. The formality of these provisions will vary depending on the seriousness of the offense. (See Sections V., and VI., below.)

III. Substantive

Substantive standards require that the decision reached be neither arbitrary nor capricious. Generally, this means that there is some evidence to support the decision reached.

IV. Code of Conduct

Each constituent institution must adopt a code of student conduct that: (a) is applicable to all students; (b) defines what conduct is prohibited; and (c) specifies the types of sanctions that may be imposed for each category of prohibited conduct. Ranges of violations and ranges of sanctions are permissible. Progressive sanctions for multiple violations are also legitimate. A periodic review of the code should be undertaken to ensure it remains in compliance with applicable laws, policies and regulations.

V. Requirements for Minor Violations

A minor violation is one for which the possible sanctions are less than suspension and expulsion.

A. Procedural Requirements:

1. A constituent institution may receive and, in its discretion, investigate reports of incidents of student misconduct. A student may be accused of a violation of the code of student conduct only by a designated university official with a formal charge initiating a disciplinary proceeding. A determination to initiate a disciplinary proceeding accusing a student of a violation of the code of student conduct should be made by a designated

university official within a reasonable period of time after the constituent institution receives the report.

2. If a charge is to be pursued, 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. 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.
3. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with Section IV., above. The waiver and acceptance must be in writing and signed by the student.
4. 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. The institution shall assure that students have the capability to present their evidence and defenses at the meeting or hearing. Witness testimony and documents may be received from both the designated university official and the student, who will both be present during all of the evidentiary presentation. At the end of the hearing, the committee/official will determine whether the designated university 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 or meeting. The committee/official will also determine the appropriate sanction within the ranges specified in the definitions in Section IV, above.
5. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed 45 calendar days after the date of the hearing. The final administrative 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.
6. Appeal rights must be specified in the decision letter. At least one level of administrative appeal must be permitted and the time in which to appeal and the permitted grounds for the appeal must be articulated. Further appellate opportunities shall be governed by Section 502 D (3), of *The Code*.

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

VI. Serious Violations

A serious violation is one for which the possible sanctions include suspension or expulsion.

A. Procedural Requirements:

1. A constituent institution may receive and, in its discretion, investigate reports of incidents of student misconduct. A student may be accused of a violation of the code of student conduct only by a designated university official with a formal charge initiating a disciplinary proceeding. A determination to initiate a disciplinary proceeding accusing a student of a violation of the code of student conduct should be made by a designated university official within a reasonable period of time after the constituent institution receives the report.
2. Written notice to the student must be provided if a decision is made to issue a formal charge against the student. The notice should specify the 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.
3. A formal charge is then referred to a hearing official or body. The student must be notified in writing of the referral. This notice may include a hearing date. The hearing date may not be scheduled for at least ten (10) calendar days after the student receives notice of the

referral, unless the student agrees to an earlier hearing date. Reasonable extensions of time for either party to prepare for the hearing should be allowed.

4. If a hearing date is not set in the 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.
5. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with Section IV., above. The designated university official must determine that the waiver and acceptance is voluntary and that the charge and sanction have factual support. The waiver and acceptance must be in writing and signed by the student and the designated university official.
6. Prior to the hearing, the student must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.
7. 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.
8. The institution shall assure that students have the capability to present their evidence and defenses at the hearings. The method for assuring this capability may vary depending on the nature of the case and on the nature of the representation of the institution or the charging party. Each institution must have a policy delineating the participation or prohibition of attorneys and non-attorney advocates. Representation or assistance by attorneys or non-attorney advocates at the hearing is neither required nor encouraged.
9. The hearing will be closed to the public, unless a constituent institution's policy provides otherwise.
10. A transcript or other verbatim record of the hearing (but not of the deliberations) will be prepared. The institution will be responsible for the costs of this record.
11. At the hearing, a designated university official must present sufficient witness and/or documentary evidence to establish the violation. The student must be given an opportunity to question this evidence, either by direct questions or inquiries transmitted through the committee or hearing official.
12. The student must be given the opportunity to present any witness or documentary evidence that the student offers, provided that the evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students.
13. At the conclusion of the evidence, the committee/official will determine whether the charging official has shown by a preponderance of the evidence, or by such higher standard as the institution may adopt, 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 within the ranges specified in accordance with Section IV., above.
14. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed forty-five (45) calendar days after the hearing is completed. The final administrative decision must be transmitted in writing to the student within ten (10) calendar days of the date the decision is made and must contain a brief summary of the evidence upon which the decision is based.
15. A vice chancellor or the vice chancellor's delegate must make the final administrative determination in all suspension cases. The delegation may be to a student committee or a student/employee committee.
16. The chancellor or a vice chancellor must make the final administrative decision in all expulsion cases.

- 17. Appeal rights must be specified in the final decision letter. At least one level of institutional appeal must be permitted, and the time limits in which to appeal and the permitted grounds for appeal must be articulated.
- 18. Further appeals shall be governed by *The Code*.
- B. **Substantive Requirements:** In each case there must be sufficient evidence supporting the decision and the sanction.

VII. Special Cases

- A. If the formal charge is also the subject of pending criminal charges, the institution must, at a minimum, allow an attorney advisor to accompany the student to the hearing.
- B. 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.
- C. In cases of alleged sexual misconduct, both parties are entitled the same opportunities to have others present during a disciplinary proceeding.¹
- D. Victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means 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 is imposed, the duration of the sanction and the date the sanction was imposed².
- E. When a student with a disability is charged with an offense, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

VIII. Other Matters

- A. Effective Date. The requirements of this policy shall be effective on the date of its adoption by the Board of Governors and shall apply to all disciplinary proceedings initiated on or after August 1, 2018.
- B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.
- C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

1 The term "sexual misconduct" includes sexual assault, sexual battery, sexual coercion, rape, stalking, sexual violence and other forms of sexual misconduct. Furthermore, "both parties" refers specifically to the individual who claims to have been the victim of the sexual misconduct and the student who is alleged to have engaged in sexual misconduct.

2 The disciplinary records of high school students at the North Carolina School of Science and Mathematics described in sections VII.C., and D., of this policy may not be disclosed without appropriate consent. [CFR 99.31(A)(13)]

Section 700.4.1.1
Regulation Applicable to Student Disciplinary or Conduct
Procedures: Right to an Attorney or Non-Attorney Advocate for
Students and Student Organizations

I. Purpose

This regulation clarifies how the constituent institutions of The University of North Carolina (hereinafter, “UNC constituent institutions”) will interpret and administer the requirements of North Carolina General Statutes Section 116-40.11 (hereinafter, “Section 116-40.11”) regarding the participation of licensed attorneys and non-attorney advocates (collectively, “Advocates”) on behalf of students and Student Organizations in campus Disciplinary or Conduct Procedures, as defined herein.¹ Nothing in this regulation shall be construed to create a right for any student or Student Organization to be represented during a Disciplinary or Conduct Procedure at public expense.

UNC constituent institutions encourage character formation and development by asking students, as members of the University community, to uphold the highest standards of personal behavior and responsibility in all settings. Disciplinary or Conduct Procedures at UNC constituent institutions are designed to address violations of Disciplinary or Conduct Rules in a manner that prioritizes student development and education. While Disciplinary or Conduct Procedures may result in the imposition of sanctions in appropriate cases, the primary objectives of these procedures are to uphold the highest standards of honor, integrity, and personal responsibility; to encourage responsible choices concerning issues such as alcohol use, the treatment of others, and sexual behavior; and to promote student learning, safety, health, and well-being.

The emphasis upon student education and growth as the primary objectives of the Disciplinary or Conduct Procedures distinguish these campus-based processes from criminal or civil legal proceedings.² Campus Disciplinary or Conduct Procedures do not result in an adjudication of whether a crime has occurred; such determinations can be made only by the criminal justice system. Consistent with these student learning and development objectives, Disciplinary or Conduct Procedures at UNC constituent institutions remain non-adversarial; reflect community values, university policies, and Board of Governors standards; and provide for the respect and consideration of all participants.

Each UNC constituent institution shall establish its own specific rules and procedures for administering Section 116-40.11 in a manner that is consistent with the provisions of Section 700.4.1 of the UNC Policy Manual (entitled “Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings”) and this regulation.

II. Definitions

As used within this regulation, the following terms have the meanings provided below.

- A. Academic Dishonesty – Any act that constitutes cheating, plagiarizing, or knowingly misrepresenting the source of information contained in work submitted by a student; or knowingly assisting another in cheating, plagiarizing, or a knowing misrepresentation. Examples of Academic Dishonesty include, but are not limited to: the use of another’s ideas

¹This regulation does not address any rights a student may have under federal law, regulations or policy guidance to have an Advocate or advisor present as part of any Disciplinary or Conduct Procedure at a UNC constituent institution.

²For example, Disciplinary or Conduct Procedures are not subject to the State or federal Rules of Evidence or the State or federal Rules of Civil Procedure, although each UNC constituent institution’s Disciplinary or Conduct Rules may specify applicable procedural rules, including rules that govern the introduction and admission of evidence or testimony, as well as rules governing any formal or informal exchange of witness lists or documents that may be used at a hearing. As a result, information that might be deemed “hearsay” or is otherwise inadmissible during a formal legal proceeding might be considered by the designated university administrator, board, or panel.

or copying another's work without proper citation or acknowledgment; the use of any material assistance, or collaboration that was prohibited or not authorized by an instructor in taking a test or preparing a project or assignment to be submitted to an instructor; or fabricating or falsifying information or data.³

- B. **Accused of a Violation** – Occurs when a designated university official brings a formal charge against a student or Student Organization to initiate a Disciplinary or Conduct Procedure as described in paragraphs V.A. and VI.A., of Section 700.4.1 of the UNC Policy Manual.
- C. **Disciplinary or Conduct Rules** – The code of student conduct of a UNC constituent institution described in paragraph IV., of Section 700.4.1 of the UNC Policy Manual. Disciplinary or Conduct Rules do not include the rules or codes of a UNC constituent institution governing academic integrity, including professional or ethical standards associated with a particular program of study, or Academic Dishonesty.
- D. **Disciplinary or Conduct Procedure(s)** – A hearing or other procedure during which a designated university official, board, or panel considers information and/or documentation in order to make a determination regarding whether a student or Student Organization may have violated Disciplinary or Conduct Rules.
- E. **Student Honor Court** – A Disciplinary or Conduct Procedure board or panel that is composed entirely of students who address whether a student or Student Organization has violated a UNC constituent institution's Disciplinary or Conduct Rules.
- F. **Student Organization(s)** – A student group that has been officially recognized or sponsored by a UNC constituent institution in accordance with the UNC constituent institution's student organization recognition policies.

III. Notice, Role, and Requirements of Advocates in Disciplinary or Conduct Procedures

A. Notice to Students and Student Organizations Accused of a Violation

Any student or Student Organization Accused of a Violation of a UNC constituent institution's Disciplinary or Conduct Rules shall be notified of the right to be represented by a licensed attorney or non-attorney advocate, if applicable. Such notice shall be transmitted in writing by the UNC constituent institution when the student or Student Organization is initially Accused of a Violation, as defined herein, or as soon as reasonably possible thereafter so that an Advocate may participate in any campus-based Disciplinary or Conduct Procedure as provided by this regulation.

B. Role of Advocates in Disciplinary or Conduct Procedures

In accordance with Section 116-40.11, students and Student Organizations at UNC constituent institutions who have been Accused of a Violation of an institution's Disciplinary or Conduct Rules may be represented by an Advocate during any Disciplinary or Conduct Procedure, except when the violation:

1. Will be heard by a Student Honor Court; or
2. Is an allegation of Academic Dishonesty, as defined by the UNC constituent institution.

The right to have an Advocate represent a student or Student Organization applies when a student or Student Organization is initially Accused of a Violation, as defined herein.

³The UNC constituent institutions may adopt their own definitions of Academic Dishonesty not inconsistent with this regulation. *See also* N.C.G.S. § 116-40.11(a)(2).

Consistent with this regulation and the rules, policies, and/or guidelines governing a UNC constituent institution's Disciplinary or Conduct Procedures, an Advocate may fully participate in such procedures to the extent and in the same manner afforded to the student or Student Organization he/she represents. An attorney or other individual representing the UNC constituent institution may participate in Disciplinary or Conduct Procedures in which an Advocate represents a student or a Student Organization.

When scheduling Disciplinary or Conduct Procedures, UNC constituent institutions will make reasonable efforts to accommodate an Advocate; however, the availability of students or Student Organization members; witnesses; the designated administrator, panel members, or board members assigned to the matter; and other necessary participants as well as the expectation to promptly complete the Disciplinary or Conduct Procedure may, in the UNC constituent institution's discretion, take priority when determining the date and time for a Disciplinary or Conduct Procedure. Additionally, an Advocate may not delay, disrupt, or otherwise interfere with a Disciplinary or Conduct Procedure.

C. Requirements to Serve as an Advocate During a UNC Constituent Institution's Disciplinary or Conduct Procedure

In order for an Advocate to represent a student or Student Organization in a Disciplinary or Conduct Procedure, the student or Student Organization must provide the office of the UNC constituent institution that administers the Disciplinary or Conduct Procedure with the three (3) documents described below. These three (3) documents must be submitted within the timeframe established by the UNC constituent institution. If the required documents are not completed and submitted within the timeframe established by the UNC constituent institution, the institution may, in its discretion, determine an appropriate remedy, up to and including denying the participation of the Advocate in the Disciplinary or Conduct Procedure.

1. Notice of representation.

Students and Student Organizations that plan to have an Advocate represent them during a Disciplinary or Conduct Procedure must notify the office of the UNC constituent institution that administers the procedure in writing of the Advocate's planned participation in a Disciplinary or Conduct Procedure. This notice must specify:

- (a) The identity of the Advocate;
- (b) Whether the individual is a licensed attorney or a non-attorney advocate; and
- (c) An address, telephone number, and e-mail address where the Advocate can be reached.

2. FERPA authorization

In order for an Advocate to represent a student or Student Organization during a Disciplinary or Conduct Procedure or to speak with an official of a UNC constituent institution regarding the student or the members of a Student Organization, the student(s) must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA).⁴ Even if a student executes a valid FERPA consent authorizing the Advocate to receive information or documents regarding the student, the UNC constituent institution may at all times correspond directly with the student or Student Organization. It is the student's or Student Organization's responsibility to communicate and share information with the Advocate.

3. Certification by Advocate

Students or Student Organizations that plan to have a licensed attorney or non-attorney advocate represent them during a Disciplinary or Conduct Procedure must submit a certification form signed by the Advocate stating that the Advocate has read in their

⁴The office of the UNC constituent institution that administers the Disciplinary or Conduct Procedure can supply students with an approved authorization form that meets the elements of a valid consent in accordance with FERPA.

entirety and understands the following documents:

- (a) The applicable Disciplinary or Conduct Rules;
- (b) Any additional rules, policies, or guidelines that a UNC constituent institution has enacted for its Disciplinary or Conduct Procedures, consistent with this regulation; and
- (c) Section 700.4.1 of the UNC Policy Manual and this associated regulation.

IV. Training on Disciplinary or Conduct Procedures

UNC constituent institutions shall develop and provide training for students, Student Organizations, and institutional staff to ensure that Disciplinary or Conduct Procedures are conducted in a manner that is consistent with the provisions of the UNC Policy Manual, this regulation, and any other rules, policies, or guidelines that the UNC constituent institution has enacted for its Disciplinary and Conduct Procedures.

V. Monitoring Disciplinary or Conduct Procedures

UNC constituent institutions shall monitor and track the number of cases affected by Section 116-40.11 and this regulation during the course of an academic year and other information as may be requested by the president or the president's designee. Such data shall be collected annually by each UNC constituent institution, and, upon request, shall be reported to the president or the president's designee.

SECTION I

STUDENT ACADEMIC HONOR CODE

POLICY 03.100

I-1 THE UNCW STUDENT ACADEMIC HONOR CODE

The University of North Carolina Wilmington is a community of high academic standards where academic integrity is valued. UNCW students are committed to honesty and truthfulness in academic inquiry and in the pursuit of knowledge. This commitment begins when new students matriculate at UNCW, continues as they create work of the highest quality while part of the university community, and endures as a core value throughout their lives.

I-2 THE UNCW HONOR PLEDGE

All students enrolled at UNCW are subject to the UNCW Student Academic Honor Code (hereafter referred to as the Honor Code), which is intended to help every member of the UNCW community appreciate the high value placed on academic integrity and the means that will be employed to ensure its preservation. Students are expected to perpetuate a campus culture where each student does their own work while relying on appropriate resources for assistance. In such a climate students enjoy a special trust that they are members of a unique community where one's thoughts and words are attributed correctly and with proper ownership, and where there is little need for systems to sanction those who cheat. As such, all UNCW students shall commit to the principles and spirit of the Honor Code by adhering to the following pledge:

"As a student at The University of North Carolina Wilmington, I am committed to honesty and truthfulness in academic inquiry and in the pursuit of knowledge. I pledge to uphold and promote the UNCW Student Academic Honor Code."

I-3 GUIDELINES IN SUPPORT OF THE HONOR CODE

Disciplinary action will ensue when students fail to align themselves with the ideals and expectations outlined in the Honor Code. The following guidelines are designed to educate students about the types of academic dishonesty, the roles that the university community has in upholding the Honor Code, the procedures used to report and adjudicate alleged offenses, and the limitations on withdrawals and repeating courses in the event of academic dishonesty. Because the university takes a holistic approach to addressing student misconduct, both of an academic and non-academic nature, incidents involving students with prior findings of responsibility for academic dishonesty or serious non-academic misconduct (typically denoted by the status of "disciplinary probation") may be referred to the Student Academic Honor Board.

A. ACADEMIC DISHONESTY OFFENSES

No form of academic dishonesty is tolerated in our community. Academic dishonesty is broadly defined as attaining academic goals by deception, and includes but is not limited to attempted or completed offenses as follows:

1. CHEATING

Cheating is deception implying that work in fulfillment of course or degree requirements represents a student's own level of knowledge when it actually does not.

Common examples of cheating include, but are not limited to:

- a. Any conduct during a program, course, quiz or examination which involves the unauthorized use of written or oral information, or information obtained by any other means of communication.
- b. The unauthorized acquisition, buying, selling, trading or theft of any examination, quiz, term paper or project.

- c. The unauthorized use of any electronic or mechanical device during any program, course, quiz or examination, or in connection with laboratory reports or other materials related to academic performance.
- a. The unauthorized use of laboratory reports, term reports, theses, or written materials in whole or in part. Students must receive approval by their instructor(s) in advance for submitting any assigned work for course credit previously written and submitted by the student or another person for any class.
- d. The unauthorized assistance or collaboration on any test, assignment, or project. Students are expected to consult with their instructors for clarification on whether assignments may be conducted jointly with other students. In the absence of approval for joint work, the expectation is that students will conduct their own work and research both outside and within the classroom environment (not including authorized assistance and sanctioned university resources such as the University Learning Center).
- e. The unauthorized use by a student of another person's work, or the falsification of any other person's work, or writing another person's work for them to submit.
- f. Bribery, including but not limited to the offering, giving, receiving or soliciting of any consideration in order to obtain a grade or other treatment not otherwise earned by the student through their own academic performance.
- g. Any form of lying or furnishing false information to a professor, administrator or staff member, including but not limited to a field supervisor, contractor, or vendor acting in performance of their duties (including taking an exam for another student).
- h. Commercial use, display, or dissemination of class notes, lecture recordings, and/or other faculty-or university-owned materials, or use of materials which violate the class syllabus, without explicit permission from the faculty member are a violation of the Student Academic Honor Code. Students are accountable for compliance with the UNCW [Copyright Policy](#).

2. PLAGIARISM

Plagiarism is the copying of language, phrasing, structure, or specific ideas of another and presenting any of these as one's own work, including information found on the internet.

Common examples of plagiarism include, but are not limited to:

- b. Reproducing someone else's work without quotation marks or proper attribution and submitting it as your own.
- c. Paraphrasing or summarizing another's work without attribution or acknowledgement of the source and submitting it as your own.
- d. Deliberate attribution to a source from which the referenced material was not in fact derived.
- e. Failing to cite a source for ideas or information. Students must receive approval by their instructor(s) in advance for submitting any assigned work for course credit previously written and submitted by the student or another person for any class.

B. RESPONSIBILITY OF THE UNIVERSITY COMMUNITY

1. GENERAL RESPONSIBILITY

It is the responsibility of every faculty member, student, administrator and staff member of the university community to uphold and maintain the highest academic standards and integrity of the university. Any member of the university community who has reasonable grounds to believe that an infraction of the Honor Code has occurred has an obligation to report the alleged violation to the faculty member teaching the class who, in turn, must report the allegation to the Office of the Dean of Students. This obligation is a core value of the Honor Code, and must be fulfilled by each and every member of the university.

2. STUDENT RESPONSIBILITY

By virtue of enrollment at UNCW all students are bound by the Honor Code. Students are responsible for seeking clarification from faculty whether and to what degree they are permitted to collaborate on assignments; use laptops, cell phones, and other electronic media in class; and submit papers that they have submitted or intend to submit for another course. It is the student's responsibility to receive approval in advance for conducting joint academic work (work which involves anyone other than the student themselves) or when attempting to submit work that was

previously written/conducted by the student (commonly known as “recycling” one’s work). Students who observe or suspect an Honor Code violation are to notify the instructor in whose course the alleged infraction occurred.

3. RESPONSIBILITY OF INDIVIDUAL INSTRUCTORS

Instructors should remind their students of the Honor Code during the first week of classes and include or embed a hyperlink to Section I of the Honor Code and the Honor Pledge in their syllabi. In addition to discussing the Honor Code with students, instructors should clarify whether and to what degree students are permitted to collaborate on assignments; use laptops, cell phones, and other electronic media in class; and submit papers that they have submitted or intend to submit for another course. While faculty are encouraged to discuss these issues with students, it is the student’s responsibility to receive approval in advance for conducting joint academic work. While all students are bound by the Honor Code through either a signed pledge or by virtue of enrollment at UNCW, instructors have the option of including the Honor Pledge on examinations and requiring students to include a signed pledge with submitted work. Each instructor is obligated to report allegations of academic dishonesty, upon discovery, to the Office of the Dean of Students.

4. RESPONSIBILITY OF ACADEMIC AFFAIRS

The Division of Academic Affairs is responsible for advising all new university faculty and academic administrative staff regarding the Honor Code. The provost/designee shall have the right to hear an expedited student case as requested by the Office of the Dean of Students, and to review appeals for students sanctioned as a result of Honor Code infractions.

5. RESPONSIBILITY OF THE OFFICE OF THE DEAN OF STUDENTS

The Office of the Dean of Students is responsible for overall education of the university community on the Honor Code; for advising all current university faculty, administrative staff, personnel and students of the Honor Code; and for requesting that all traditional freshmen attending summer orientation sign the University Honor Banner. In consultation with Faculty Senate, the Office of the Dean of Students will see that the Honor Code and any amendments or changes approved by the Faculty Senate and the UNCW administration are published and promulgated annually. The Office of the Dean of Students shall also receive and maintain comprehensive records of all matters relating to violations of the Honor Code; therefore, faculty must consult with the Office of the Dean of Students upon making or receiving a complaint of any Honor Code infraction.

I-4 REPORTING PROCEDURES

A. FILING COMPLAINTS

An alleged infraction of the Honor Code observed by anyone other than the course instructor shall be reported, preferably in writing, to the instructor of the course in which it occurred. Such a report shall be made within five (5) business days from the time of discovery, unless extenuating circumstances prevent reporting. Faculty who observe, discover, or are informed of infractions should report them immediately to the Office of the Dean of Students (962-3119). Faculty may report infractions at any point during the term of the class or at any point preceding the end of the tenth calendar day after grades are due for the final class of enrollment for the student in question.

A suspected infraction of the Honor Code may be reported by:

- a. the student committing the infraction; or
- b. any member of the university community observing the alleged infraction; or
- c. any individual who has credible and reliable information that an infraction may have occurred.

B. CONSULTATION WITH THE OFFICE OF THE DEAN OF STUDENTS

Upon observing or discovering an alleged Honor Code infraction, or upon receiving a report of an infraction, the instructor shall consult with the Office of the Dean of Students to discuss appropriate procedures and protection of student rights, and to determine whether the case shall be heard by the faculty member, the Office of the Dean of Students or the Student Academic Honor Board. Any student with a prior finding of responsibility for an Honor Code offense or students with a history

of serious non-academic misconduct (typically denoted by the status of “disciplinary probation”) may be referred to the Student Academic Honor Board for resolution.

C. PRIOR OFFENSES

1. If the student has no prior Honor Code offenses and no history of serious non-academic misconduct, the faculty member will meet with the student to inform the student of the allegation of academic dishonesty and explain to the student their options, as follows:
 - a. If the student admits the infraction, the faculty member must either propose a settlement by private resolution OR refer the case to the Office of the Dean of Students (without assigning a grade until after being informed of the final outcome of the case).
 - b. If the faculty member decides on proposing a settlement by private resolution, proposed penalties should accord with the severity of the offense. Penalties can range from a failing grade on the work in question to a failing grade in the course.¹ The chairperson of the department in which the faculty member teaches may be consulted for assistance in reaching a settlement. If the penalty proposed by the instructor is acceptable to the student, the case can be resolved by providing notification to the department chair and to the dean of the college/school in which the faculty member teaches, and must be copied to the Office of the Dean of Students for inclusion in the student’s disciplinary record.
 - c. If the student does not admit the infraction, the faculty member must either:
 - i. Refer the case to the Office of the Dean of Students (without assigning a grade); OR
 - ii. Decide not to pursue the accusation(s) due to lack of evidence, whereupon the faculty member shall inform the reporting party of this decision within five (5) business days and also inform the Office of the Dean of Students.

D. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student's UNCW e-mail address. UNCW regards e-mail as an official method of communication with student, staff and faculty (UNCW Policy 07.100). The university reserves the right to use other reasonable means to notify students.

E. SUMMONING A STUDENT RESPONDENT FOR A CONFERENCE

The dean of students/designee may formally summon the respondent to appear for a pre-hearing meeting in connection with an alleged violation by sending the respondent notification (pursuant to Section I-4-D). This notification shall direct the respondent to appear at a specified date, time and place not less than two (2) business days after the incident in question. The notification shall also list the alleged violation(s) found within the *Code of Student Life* (pursuant to Section I-3-A).

If the respondent fails to respond to the notification calling for the formal summons to appear for a pre-hearing meeting, the respondent forfeits the option to request whether the case is heard administratively or by the SAHB. The respondent will be notified by e-mail sent no less than five (5) business days prior to a hearing before the dean of students/designee or, at the option of the dean of students/designee, the SAHB.

At the hearing, a decision of responsible or not responsible will be made based on available information, with or without the respondent. If the respondent fails to attend the hearing, all allegations against the respondent shall be deemed to be denied. When appropriate, a sanction will be determined and the respondent will be notified by e-mail.

I-5 PRE-HEARING MEETING and HEARING OPTIONS

All cases referred to the Office of the Dean of Students will result in an honor hearing. The dean of students/designee will summon the student for a pre-hearing meeting. The pre-hearing meeting is designed to acclimate a student to the campus conduct process. It includes familiarizing a student with their rights as outlined in the Student Academic Honor Code and explaining the charge(s), hearing options, and options for consultation during the process. At the pre-hearing meeting, the

¹ The assigned grade of “F” to a graduate student will result in ineligibility to continue in the Graduate School.

dean of students/designee will inform the student of the following options for resolution of the disciplinary charges:

1. Disagree to the charge(s) and have a hearing before the Student Academic Honor Board (SAHB) where a determination of responsibility will be made. If the student is held responsible by the SAHB, an appropriate sanction will be determined.
2. Disagree to the charge(s) and request an administrative hearing before the dean of students/designee where determination of responsibility will be made. The dean/designee may elect not to hear the case. The case would then be heard by the SAHB. If the student is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
3. Agree to the charge(s) and elect for the SAHB to determine an appropriate sanction.
4. Agree to the charge(s) and elect for an administrative hearing before the dean of students/designee to determine an appropriate sanction. The dean/designee may elect not to hear the case. The case would then be heard by the SAHB.

If the student is found to be responsible for an honor code violation, authority to determine the course grade resides with the instructor; however, an assigned grade of "F" for the course is generally appropriate for an Honor Code offense. If the student is found responsible and sanctions are imposed, the student is responsible for completing sanctions regardless of their participation in the hearing process. Failure to complete assigned sanctions may result in further conduct action.

A. STANDARD OF PROOF

The standard of proof for all allegations of the Honor Code will be preponderance of evidence. This means that there is greater than a 50% likelihood, based on the evidence presented, the respondent is responsible for the alleged violation.

B. STUDENT RESPONSIBILITIES & RIGHTS

STUDENT RESPONSIBILITIES

Participants in the Student Academic Honor Code process have the following responsibilities:

1. To know and adhere to the *UNCW Student Academic Honor Code*.
2. To be honest and complete in all information they provide in the process.
3. To attend all meetings or hearings in a timely manner.
4. To complete any imposed sanctions on time and consistent with the decision in their case.
5. To participate in a manner that is civil and respectful.

STUDENT RIGHTS

All students are entitled to the following rights prior to a student academic honor board hearing:

1. To a pre-hearing meeting with a university hearing officer where rights, responsibilities and procedures are explained.
2. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be forwarded to the respondent. Notices are sent via e-mail to the student's UNCW e-mail address.
3. To review all available information, documents, and a list of witnesses that may testify against the student. This is a continuing obligation of the complaining party and the dean of students/designee.
4. To choose an Administrative or Student Academic Honor Board hearing. (The dean of students/designee may elect not to hear the case. The case would then be heard by the Student Academic Honor Board.)
5. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
6. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the respondent's absence). A respondent who elects not to appear at a hearing may not be represented by a university or non-university advisor.
7. To know the identity of witnesses testifying against them.
8. To a university or non-university advisor.

9. To refuse to answer any questions or make a statement – however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
10. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
11. To have the hearing conducted as outlined in the *UNCW Student Academic Honor Code*.
12. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.

C. UNIVERSITY and NON-UNIVERSITY ADVISORS

A university or non-university advisor is permissible in an Administrative and Student Academic Honor Board hearing. Upon the request of the respondent, the Office of the Dean of Students will appoint a university advisor to help a student prepare for a hearing. The advisor may not speak on the respondent's behalf at the hearing. The university/non-university advisor's role is to:

- (1) Advise the respondent concerning the preparation and presentation of the respondent's case.
- (2) Accompany the respondent to all conduct proceedings as requested by the respondent.
- (3) Have access to all materials relating to the case as provided by the respondent.

A respondent who elects not to appear at a hearing may not be represented by an advisor at the hearing.

I-6 ADMINISTRATIVE HEARING PROCEDURE

1. If a student requests an administrative hearing before the dean of students/designee, the dean of students/designee will forward the student written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days' written notice requirement. All waivers shall be executed in writing.
2. Administrative conduct hearings are closed hearings which are closed to the general public.
3. Prior to a hearing in cases which may involve suspension or expulsion the respondent is entitled to the following as outlined in [UNC Policy 700.4.1](#):
 - a. A written notice of the charge including possible sanctions will be sent via e-mail.
 - b. Review of all available information, documents and exhibits.
 - c. A list of witnesses that may testify against the respondent.
 - d. An outline of student rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean/designee.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
4. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
5. The dean of students/designee shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the respondent in writing via e-mail of the following:
 - i. the date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. the names of witnesses who may testify against the respondent.
 - iii. the charges against the respondent.
 - iv. the dean of students/designee may question a student testifying on the respondent's behalf or question the respondent the respondent testifies on their own behalf.
6. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to the student's parent or guardian.
7. If a student chooses to present witness testimony at an administrative hearing it is the student's responsibility to notify their witness(es) of the day, time and location of the hearing.
8. Additionally, a list of witnesses and copies of any documentary evidence must be presented to

- the Office of the Dean of Students at least two (2) business days prior to the hearing.
9. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the respondent's absence, as has been outlined.
 10. A final administrative decision will normally be determined immediately, but must be determined within ten (10) business days after the date of the hearing. The case resolution form (also known as the "decision of hearing") will be presented to the respondent in writing within five (5) business days of the decision.

I-7 STUDENT ACADEMIC HONOR BOARD

The Student Academic Honor Board (SAHB) is activated when a student requests a hearing before the SAHB or if a case is referred automatically by the dean of students/designee. The associate vice chancellor for student affairs/designee serves as the advisor to the SAHB.

When hearing a case involving an undergraduate student, the SAHB shall be comprised of three (3) undergraduates and two (2) faculty members. One of the two faculty members must come from a different UNCW college or school than that in which the infraction occurred, as referred by the academic dean and appointed by the Office of the Dean of Students. Quorum consists of two (2) faculty members and two (2) students.

When hearing a case involving a graduate student, the SAHB shall be comprised of three (3) graduate students from the current Graduate Student Association or assigned by the Graduate School, one (1) faculty member from the Campus Conduct Board, and one (1) additional faculty member appointed by the Dean of the Graduate School. Quorum consists of two (2) faculty members and two (2) students.

The dean of students/designee will select and train SAHB members and those that will serve as chairs.

No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to recuse themselves due to a conflict of interest, the dean of students/designee will make the excusal decision. The respondent will also be given the opportunity to challenge a committee member or official on these grounds.

In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the vice chancellor/designee to serve for the duration of the hearing.

A. JURISDICTION OF THE STUDENT ACADEMIC HONOR BOARD

The SAHB may have, at the request of a respondent or the dean of students/designee, original jurisdiction in student academic honor code cases.

B. PRELIMINARY INFORMATION FOR STUDENT ACADEMIC HONOR BOARD HEARING

1. If a student requests a SAHB hearing, the dean/designee will forward written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
2. SAHB hearings are closed hearings which are closed to the general public.
3. Prior to a hearing in cases which may involve suspension or expulsion the respondent is entitled to the following as outlined in [UNC Policy 700.4.1](#):
 - a. A written notice of the charge including possible sanctions.
 - b. Review of all available information, documents, exhibits.
 - c. A list of witnesses that may testify against the respondent.
 - d. An outline of student rights.

- e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean/designee.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
 - g. Written notice will be sent via e-mail.
- 4. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
- 5. The dean of students/designee shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the respondent in writing (pursuant to Section I-4-D) of the following:
 - i. the date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. the name of the person appointed to serve as chairperson of SAHB.
 - iii. the names of witnesses who may testify against the respondent.
 - iv. the charges against the respondent.
 - v. the dean of students/designee may question a student testifying on the respondent's behalf or question the respondent if the respondent testifies on their own behalf.
 - vi. a respondent may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing may be allowed. The SAHB, with good cause, may postpone or continue the hearing and notify all interested persons of the new hearing date, time and place.
- 6. If a student chooses to present witness testimony at a SAHB hearing it is the student's responsibility to notify their witness(es) of the date, time and location of the hearing.
- 7. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
- 8. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the respondent's absence, as has been outlined.
- 9. A final administrative decision will normally be determined immediately, but must be determined within ten (10) business days after the date of the hearing. The case resolution form (also known as the "decision of hearing") will be presented to the respondent in writing within five (5) business days of the decision.

C. STUDENT ACADEMIC HONOR BOARD HEARING PROCEDURES

The Student Academic Honor Board shall proceed generally as follows during the hearing:

- 1. SAHB chairperson states the hearing is closed to the public.
- 2. The chairperson informs the respondent of their rights as listed in Section I-5-B, and asks the respondent whether they agree or disagree to the charge(s).
- 3. The dean of students/designee presents the university's case and may call witnesses. The instructor alleging the violation will be asked to speak at this time.
- 4. The respondent and the SAHB may question the university, the instructor alleging the violation and/or each witness called.
- 5. The respondent presents their case and may call any witnesses they have present.
- 6. The university and the SAHB may question the respondent and/or each witness called.
- 7. The dean of students/designee and the respondent present rebuttal evidence and final statements. Both the dean of students/designee and the respondent may make closing statements.
- 8. The SAHB deliberates in a closed session and decides the issue of responsible or not responsible for each charge.
- 9. If the SAHB finds the respondent not responsible for all charges, the hearing is concluded.
- 10. If the SAHB finds the respondent responsible, the dean of students/designee will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.

11. If the SAHB finds the respondent responsible for one or more charges, the dean of students/designee and respondent may present evidence and argument on an appropriate sanction.
12. The SAHB deliberates in a closed session and determines an appropriate sanction.
13. The SAHB renders a written decision (case resolution form, also known as the “decision of hearing”) as to whether they find the respondent responsible or not responsible for the charge(s). The decision states the sanction, if any, and procedures for appeal. The respondent and dean of students/designee shall each be given a copy of the case resolution form. A final SAHB decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the respondent in writing. This will generally occur immediately following the hearing, however may take up to five (5) business days.
14. The student conduct file is confidential and consists of:
 - a. the original referral.
 - b. all correspondence directed to the respondent.
 - c. all material presented to, or considered by the SAHB.
 - d. the official case resolution form (also known as the “decision of hearing”).
 - e. appeal documentation submitted, if any.

SAHB records are maintained in the Office of the Dean of Students and are confidential. They may be released only with the consent of the student involved or as outlined in the Family Educational Rights and Privacy Act. A written record of the proceedings and action taken will be filed in the Office of the Dean of Students.

I-8 APPEAL PROCEDURES

The respondent may request an appeal within two (2) business days after notification of the original decision. Notification is defined as the date the case resolution form (also known as the “decision of hearing”) is given to the respondent in person, or the date stamp of the e-mail sent to the respondent. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student’s appeal. Original sanctions are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

The provost/designee shall serve as the designated appeal officer for all Student Academic Honor Code cases.

The function of the provost/designee in hearing an appeal is that of reviewing the action of the administrative hearing officer/Student Academic Honor Board to determine if:

- a. an alleged violation of the rights guaranteed the respondent has occurred;
- b. the sanction is too severe for the violation; or
- c. new evidence has developed which has bearing on the outcome.

Upon receiving a petition, the provost/designee shall obtain the record of the administrative hearing officer/Student Academic Honor Board. The record shall include relevant documents, the case resolution form (also known as the “decision of hearing”), including a case summary and rationale for supporting the decision. With this information, the provost/designee shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of the decision within ten (10) business days after receipt of the petition. Reasonable extensions of time are permissible.

If the provost/designee determines that an Appellate Review shall be granted, that Review shall be held within ten (10) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the respondent of his/her rights as outlined herein.

The provost/designee will review all written correspondence associated with the case, may request additional documents and information from the administrative hearing officer or student hearing

chair who presided over the student board that heard the case, and may invite the respondent, the chair, and such other persons as deemed appropriate to appear to make statements and respond to questions.

The provost/designee has the authority to approve, reject or modify the decision in question or to remand the case back to the Board. The decision of the provost/designee is final.

I-9 EXPEDITED REVIEW

As requested by the Office of the Dean of Students, the provost/designee, at their sole discretion, shall have the right to order an expedited review of the student's case. In such circumstances, the provost/designee shall sit as a hearing officer in lieu of the SAHB or the dean of students. This expedited hearing procedure shall be used only in emergency circumstances as identified by the provost/designee at their sole discretion. The decision of the provost/designee in such expedited proceedings is final unless the outcome is suspension or expulsion (see Section I-8).

I-10 AUTHORIZED DISCIPLINARY SANCTIONS

The outcome of a SAHB hearing is either a "responsible" or "not responsible" decision. If the student is found "responsible" for the charge, penalties shall be imposed according to the severity of the offense and made in consideration of whether it is the student's first offense. The sanction of disciplinary probation is typical for a first Honor Code offense, although the sanction of suspension may be assigned. The appropriate sanction for any student proven to be a repeat offender is suspension from UNCW. Authority to determine the course grade resides with the instructor; however, an assigned grade of "F" for the course is generally appropriate for an Honor Code offense. The assigned grade of "F" to a graduate student will result in ineligibility to continue in the Graduate School.

If the administrative hearing officer/SAHB finds the student not responsible for the charge, the instructor will ensure fair treatment of the student. After a not responsible finding, if a student claims they have been graded unfairly, the student may file a grade appeal as outlined in the university catalogue.

A. LEVELS OF UNIVERSITY DISCIPLINARY SANCTIONS

The range of sanctions includes, but are not limited to:

Written Warning – is a status of warning through the end of the next full semester, which terminates automatically when the imposed period expires.

Disciplinary Probation – is a status of probation for typically no less than one year up to the remainder of a student's enrollment, which terminates automatically when the imposed period expires. A student who is placed on disciplinary probation is considered not to be in good standing with the university and may be prohibited from participating in certain student leadership opportunities.

As part of disciplinary probation, the student may have restrictions placed on specific student privileges, as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probation period. In the event of a further violation of the *UNCW Code of Student Life* or other application rules while on disciplinary probation, the university will seek the penalty of suspension or expulsion.

Suspension - Suspension is withdrawal of enrollment privileges and cancellation of registration, at a minimum, through the end of the next full semester, and carries with it conditions which must be met for re-enrollment.

Re-enrollment after a suspension period requires that the student apply to the dean of students at the close of the imposed period, and the dean/designee will determine whether the student has met the

conditions imposed and is otherwise eligible for re-enrollment. A denial may be appealed to the Committee on Extraordinary Disciplinary Emergencies.

During the term of suspension, the student may not come onto campus. Failure to abide by this condition may result in arrest for criminal trespassing.

A student who is suspended after the deadline for withdrawal with a “W” shall be assigned a grade of “WF” or “W” by each instructor based upon the academic performance prior to the suspension.

By state policy, a sanction of suspension requires that the student’s name be added to the UNC Suspension/Expulsion Database.

Expulsion – is the permanent dismissal of a student from the university, and it precludes matriculation at any UNC constituent institution, unless and until the chancellor who imposed or approved the sanction or their successor concludes on the basis of the former student’s petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education within the UNC system. The student will be trespassed from university property for as long as the individual is considered a risk to others or to university property. Expulsion will result in a permanent transcript notation.

The chancellor or vice chancellor for student affairs may impose the sanction of expulsion.

By state policy, a sanction of expulsion requires that the student’s name be added to the UNC Suspension/Expulsion Database.

The university reserves the right to impose other educational sanctions appropriate to the offense(s).

I-11 DISCIPLINARY RECORDS

The hearing record, notice of appeal and each petition for review are confidential and may not be disclosed in whole or part except as provided in Section III of the *Code of Student Life*. This disciplinary record shall be separate from the student’s academic record but shall be considered a part of the student’s educational record and maintained in the Office of the Dean of Students.

A student who is suspended or expelled will have a “hold” placed on their registration file by the dean of students/designee. The “hold” will be removed when the term of suspension expires and/or conditions for re-enrollment have been met.

A notation of suspension or expulsion will be placed on the transcript as “Honor Code Suspension” or “Honor Code Expulsion” respectively, for Honor Code withdrawals. The student’s name will also be permanently added to the UNC suspension/expulsion database.

Consistent with the [UNC General Records Retention and Disposition Schedule](#), student files with sanctions resulting in suspension or expulsion will be retained in the Office of the Dean of Students on a permanent basis. All other student conduct records (including audio, video, and transcripts) will be maintained for eight (8) years.

I-12 SPECIAL PROVISIONS

STUDENTS WITH DISABILITIES

When a student with a documented disability is charged with an offense, and informs the Office of the Dean of Students of such status, the university will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

WITHDRAWALS

Once a student is alleged to have violated the Honor Code, the student will be prohibited from withdrawing from the course. Should a student withdraw from the class, the grade of “W” will be considered temporary pending the final resolution of the case, which may lead to the designation of a grade in place of the “W.”

REPEATS

A failing grade posted as a penalty for an admitted or adjudicated Honor Code offense shall not be replaced if the course is repeated. Both the penalty grade and the new grade shall appear on the student’s transcript and count in the student’s grade point average.

SECTION II

STUDENT CONDUCT AND APPEALS

II-1 STUDENT STANDARDS OF CONDUCT

Students share in the responsibility for maintaining an environment in which the rights of each member of the UNCW community are respected. When asked to report to any university office, a student is expected to appear at the time specified or to arrange another appointment. The university conduct system is a cumulative process; consequently, any student found responsible for violating the *UNCW Code of Student Life* may expect a more significant sanction in relation to the severity of the offense(s) and/or in relation to being found responsible on multiple occasions. All students and their guests shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, and freedom of each member of the academic community are respected.

In accordance with the Family Educational Rights and Privacy Act (FERPA), upon full participation in university orientation, an individual is considered a UNCW student in attendance and shall maintain that status unless an official university withdrawal is submitted. Students with pending academic or non-academic charges will not be allowed to formally withdraw from the university until the disciplinary process has been completed.

The University 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. The University has the right under appropriate circumstances to regulate time, place, and manner of exercising these and other constitutionally protected rights. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in violation of the *UNCW Code of Student Life* and imposition of student discipline.²

All individuals who participate in a university conduct process are expected to be honest and forthcoming during their presentation of information and while answering any questions. If it is discovered that a student has not been completely honest during their testimony, the student may be charged with a violation of the *UNCW Code of Student Life*.

Additionally, harassment or intimidation of any individual before, during, or after a university conduct process will not be tolerated. Any student who exhibits such behavior before, during, or after a university conduct process may be charged with a violation of the *UNCW Code of Student*

² This section adopted April 2010 as required by UNC General Administration, Policy 700.4.2; 2-12-10.

Life. Any non-student who exhibits such behavior will be removed from the area where the proceedings are being conducted.

Program-specific regulations and policies, including professional standards, may apply to students beyond those outlined in the *UNCW Code of Student Life*. Nothing in the *Code* prohibits academic programs from pursuing additional review and action related to their professional standards.

A. OFF-CAMPUS RELATIONSHIP STATEMENT

The mission of the university is teaching, research and service. Inherent in this mission is the responsibility of the university to educate its students to be responsible, civic-minded citizens. As a university, we value our relationship with the surrounding community and realize we have a tremendous social, cultural and economic impact on the greater Wilmington community.

Policy setting and enforcement are ways of educating students. In fulfilling our responsibilities to hold students and student organizations accountable and provide a safe community, the university is guided by state and federal laws. Our students are citizens subject to the rights as well as the responsibilities of community living.

If individual students or student organizations are identified and cited by staff, faculty or other students for violating state or federal law and/or university policies off campus, they may be subject to the conduct process described herein and/or appropriate legal action.

If individual students are identified and reported by community members for breaking the law, the university supports appropriate law enforcement officials taking necessary judicial action. If students or student organizations are reported to university officials, the university may intervene on an informal basis. “Informal” intervention will involve individual student(s) or student organization leader(s) being referred to the dean of students/designee for discussion of the incident.

Off-campus behavior which impacts the mission or the safety of the university community may be subject to formal university disciplinary action.

B. OFFENSES

Notwithstanding actions taken by civil authorities or private litigants, the vice chancellor for student affairs or their designee may initiate disciplinary proceedings as outlined in Section II-2 and/or Section V-9 against a student (respondent) or student organization that violates the *UNCW Code of Student Life* or other applicable rules, including the following:

1. Damages, defaces, alters, destroys or misuses university property or property belonging to a member of the university community, a visitor to the campus, or any other public or private property.
2. Takes, purchases or possesses university property and/or services or property of any other person without expressed permission or authority.
3. Drugs
 - a. Possesses/uses an illicit drug or narcotic.
 - b. Manufactures, sells, delivers or possesses with the intent to manufacture, sell or deliver, any substance identified as a controlled substance by [North Carolina General Statutes, Chapter 90, Article 5](#) (North Carolina Controlled Substances Act), or similar provisions of federal law.
 - c. Possesses/uses drug paraphernalia.
 - d. Drives while impaired attributable to the use of drugs.
 - e. Is visibly overcome— exhibits behavior including but not limited to loss of bodily control or consciousness, requires physical or medical assistance, or otherwise is unable to care for themselves due in part or in whole to the consumption of any drug(s).
 - f. Consumes, including huffing and/or sniffing, any substance not intended for such use.
4. Firearms/Weapons/Explosives
 - a. Possesses any firearm or weapon on university premises without authorization, except as otherwise explicitly allowed by law. Weapons include, but are not limited to: guns, rifles,

- pistols, bb guns, air rifles/pistols (including air soft guns), paintball guns, crossbows, arrows, fireworks, dynamite, bombs, grenades, mines, powerful explosives, bullets or ammunition cartridges, nun chucks, slingshots, leaded canes, blackjacks, metallic knuckles, martial arts weapons, throwing stars, axes, ice picks, dirks, daggers, swords, bowie knives, switchblade knives, butterfly knives, other knives with blades four or more inches in length, Tasers, and stun guns.
- b. Displays or brandishes a firearm or weapon of any kind, or any type that may be used or perceived as a firearm or weapon, in a manner that would create a fear of harm by others. While some objects are clearly dangerous, the manner in which an object is used may also subject it to being considered a weapon.
 5. Conducts themselves in a manner that endangers the health or safety of self or others.
 6. Fire/Fire Equipment
 - a. Sets a fire in or on university property.
 - b. Tamper with fire equipment, including but not limited to fire alarms, fire extinguishers, covering or altering smoke detectors, or other fire or emergency equipment.
 7. Engages in hazing. Hazing by university groups is prohibited on or off campus. Hazing is defined as a covert or overt action, occurring on or off campus, by an individual or group of individuals in connection to recruitment, initiation, rite of passage, or membership in a fraternity, sorority, UNCW sport club, group, organization or athletic team; that subjects any other member of the university community, voluntarily or involuntarily, to activity which creates an atmosphere for potential or actual humiliation, degradation, verbal, emotional or physical distress, abuse or injury; or compromises the academic mission and/or reputation of the university.
 8. Inflicts or threatens bodily harm upon another, or acts in a manner which creates a risk/threat of bodily harm to another.
 9. Intentionally furnishes false information to a member of the faculty, staff or a student acting in an official capacity.
 10. Fails to comply with orders or directives of university officials, university hearing bodies, university police or any other law enforcement officers acting in performance of their duties.
 11. Fails to provide accurate and complete information on the undergraduate or graduate application to the university.
 12. Forges, alters, destroys or misuses university documents and records. Violations include, but are not limited to, forgery of applications for financial aid, admission, course changes and course credit, or alterations of transcripts, parking decals or student identification cards.
 13. Alcohol Violations
 - a. Underage possession/use – possesses or uses alcohol under the age of twenty-one (21).
 - b. Illegal possession/use – possesses or uses alcohol where it is not legally permissible to do so, regardless of age.
 - c. Drives while impaired or driving after consuming alcohol under the age of twenty-one (21).
 - d. Provides alcohol to minors (any individual under the age of twenty-one).
 - e. Is visibly overcome – exhibits behaviors including but not limited to loss of bodily control of consciousness, requires physical or medical assistance, or otherwise is unable to care for themselves due in part or in whole to the consumption of alcohol.
 - f. Paraphernalia – possesses alcohol paraphernalia on university premises, including but not limited to, beer bong and funnels, alcohol without liquid devices, kegs, beer balls, party balls and similar alcohol containers.
 - g. Fails to abide by university policy on consumption and advertising of alcoholic beverages (see [University Policy 05.303](#) and 05.304), including all applicable policies in the [Campus Living Handbook & Policies](#).
 14. Conducts themselves in a manner which encourages or enables illegal activity and/or a violation of the *UNCW Code of Student Life* by failing to confront the behavior or by implicitly condoning the behavior by their presence during the activity.
 15. Disorderly Conduct
 - a. Disrupts university-sponsored activities, including but not limited to intentionally disrupting, obstructing, or interfering with the teaching, research, co-curricular or other university-sponsored activities.

- b. Obscene conduct, not protected or privileged under the Constitution of the United States or the Constitution of North Carolina, including but not limited to lewd, indecent or obscene conduct.
 - c. Rioting/raiding, including but not limited to rioting, inciting a riot, assembling a riot, raiding, inciting a raid, or assembling to raid operating units or university property.
 - d. Leading or inciting others to disrupt scheduled and/or normal activities within any university building or premises.
 - e. Obstructing the campus in way that reasonably interferes with freedom of movement or safe passage, either pedestrian or vehicular, on university premises.
 - f. Engaging in conduct which disturbs the peace, order or discipline at the university or university-sponsored activity.
 - g. Conduct that is sufficiently severe and/or pervasive which in turn creates an environment that a reasonable person would consider intimidating, hostile, or abusive.
16. Harassment
- 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.
- a. No student shall threaten, coerce, harass, bully 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*. Statuses include race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.
 - b. 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:
 - i. Directed toward a particular person or persons;
 - ii. Based in whole or in part upon any of the protected statuses included in [Section 103 of The Code of the Board of Governors of The University of North Carolina](#);
 - iii. Unwelcome;
 - iv. Is so severe or pervasive and;
 - v. Objectively offensive to create an intimidating, hostile or offensive working, learning or living environment; and
 - vi. 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.
 - c. Conducts themselves in a manner which may be in violation of any part of the UNCW Unlawful Discrimination, Harassment, and Sexual Misconduct Policy (see [University Policy 02.205](#)).
17. Discriminates against another student through hostile environment harassment of a biased or prejudiced nature related to one's personal characteristics, such as race, color, national origin, sex, religion, handicap, age or sexual orientation.
18. Lends, sells, manufactures, possesses or otherwise transfers a student identification card or any other form of identification, including the use of a UNCW OneCard if not its original holder.
19. Misuses university technology in violation of rules and regulations of Institutional Technology (see [University Policy 07.100](#)).
20. Gains or attempts to gain entry to any university property without proper authorization or remains in any building or university property after normal closing hours, and/or possesses unauthorized keys or access codes/cards to university facilities. The duplication of a university key or sharing of university access codes/cards is prohibited.
21. Gambles for money or other items of value; this includes playing of cards or other games of chance or skills for money or other items of value.
22. Misuses university communication systems, including university phones and data lines, without consent of those responsible for their control, including but not limited to inappropriate use of a UNCW emergency callbox.

23. Conducts themselves in a manner which may be in violation of any part of the Student Gender-Based/Sexual Misconduct Policy (see [University Policy 04.130](#)) or Title IX Grievance Policy (see [University Policy 02.210](#)).
24. Conducts themselves in a manner which may be in violation of policies and procedures as stated in the UNCW Housing and Residence Life publication, [Campus Living Handbook & Policies](#).
25. Demonstrates and/or assembles in violation of North Carolina General Statutes.
26. Conducts themselves in a manner which may be in violation of any North Carolina and/or Federal criminal law.
27. Disrupts the Student Conduct Process
 - a. Attempts to discourage an individual's proper participation in, or use of, the campus conduct system.
 - b. Attempts to influence the impartiality of the hearing officer, conduct board member or appeal administrator.
 - c. Harasses and/or intimidates a hearing officer, conduct board member, appeal administrator, or witness prior to, during, and/or after a student conduct proceeding.
 - d. Influences or attempts to influence another person to commit an abuse of the conduct system.

C. IDENTIFICATION OF STUDENTS ON CAMPUS

In order to protect the safety and welfare of students and employees of the university and to protect the property of the university, all persons at events or on property under the jurisdiction of the university shall identify themselves to an appropriate institutional representative who has identified themselves. A person identifies themselves by giving their name and complete address, stating truthfully their relationship to the university to an appropriate university official and by presenting a valid identification card.

If any person refuses or fails upon request to present evidence of their identification and it reasonably appears that the person has no legitimate reason to be on the campus or in the facility, the person may be removed from the campus or facility and issued a trespass order.

II-2 INITIATION OF DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION

Under the direction of the chancellor, the vice chancellor for student affairs has primary responsibility and authority for the administration of student conduct. Further delegation of this authority may be made by the vice chancellor for student affairs to the Office of the Dean of Students and to residence hall staff and/or other disciplinary bodies, such as Student Organizations Committee, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council and Interfraternity Council.

A. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student's UNCW e-mail address. The University of North Carolina Wilmington regards e-mail as an official method of communication with students, staff and faculty (UNCW Policy 07.100). The university reserves the right to use other reasonable means to notify students.

B. FILING COMPLAINTS

Any academic or administrative official, faculty or staff member or student may file a written complaint with the Office of the Dean of Students against any student for misconduct. The complaint must include factual information supporting the allegation. Anonymous charges will not be permitted. While action on a complaint of violating a university regulation is pending, the status of the student shall not be altered except for reasons outlined in Section II-2-M.

C. STANDARD OF PROOF

The standard of proof for all student conduct cases will be preponderance of evidence which means there is greater than a 50% likelihood the respondent is responsible for the alleged violation.

D. PRELIMINARY INVESTIGATION, PRE-HEARING MEETING AND HEARING OPTIONS

When the dean of students/designee receives information that a student has allegedly violated university regulations or local, state or federal law, the dean/designee shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether or not to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible. The dean/designee may:

1. Find no basis for the complaint and dismiss the allegation as unfounded, or
2. Summon the respondent for a pre-hearing meeting. The pre-hearing meeting is designed to acclimate a respondent to the campus conduct process. It includes familiarizing a respondent with student rights as outlined in this *Code* and explaining the charge(s), hearing options, and options for consultation during the process.
3. Proceed administratively by informing the respondent of the following options for resolution of the disciplinary charges during the pre-hearing meeting:
 - a. Disagree to the charge(s) and have a hearing before Campus Conduct Board (CCB) where a determination of responsibility will be made. If the respondent is held responsible by CCB, an appropriate sanction will be determined.
 - b. Disagree to the charge(s) and request an administrative hearing before the dean of students/designee where determination of responsibility will be made. The dean/designee may elect not to hear the case. The case would then be heard by CCB. If the respondent is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
 - c. Agree to the charge(s) and elect for CCB to determine an appropriate sanction.
 - d. Agree to the charge(s) and elect for an administrative hearing before the dean of students/designee to determine an appropriate sanction. The dean/designee may elect not to hear the case. The case would then be heard by CCB or the Committee on Extraordinary Disciplinary Emergencies (CEDE).

E. SUMMONING A STUDENT RESPONDENT FOR A CONFERENCE

The dean of students/designee may formally summon the respondent to appear for a pre-hearing meeting in connection with an alleged violation by sending the respondent notification (pursuant to Section II-2-A). This notification shall direct the respondent to appear at a specified date, time and place not less than two (2) business days after the incident in question. The notification shall also list the alleged violation(s) found within the *Code of Student Life* (pursuant to Section II-2-B).

If the respondent fails to respond to the notification calling for the formal summons to appear for a pre-hearing meeting, the respondent forfeits the option to request whether the case is heard administratively or by the CCB. The respondent will be notified by e-mail sent no less than five (5) business days prior to a hearing before the dean of students/designee or, at the option of the dean of students/designee, the CCB.

At the hearing, a decision of responsible or not responsible will be made based on available information, with or without the respondent. If the respondent fails to attend the hearing, all allegations against the respondent shall be deemed to be denied. When appropriate, a sanction will be determined and the respondent will be notified by e-mail.

F. STUDENT RESPONSIBILITIES

Participants in the student conduct process have the following responsibilities:

1. To know and adhere to the *UNCW Code of Student Life*.
2. To be honest and complete in all information they provide in the process.
3. To attend all meetings or hearings in a timely manner.

4. For respondents to complete any imposed sanctions on time and consistent with the decision in their case.
5. To participate in a manner that is civil and respectful.

G. STUDENT RIGHTS

All students are entitled to the following rights prior to a campus conduct hearing:

1. To a pre-hearing meeting with a university hearing officer where rights, responsibilities and procedures are explained.
2. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be forwarded to the respondent.
3. To review all available information, documents, and a list of witnesses that may testify against the respondent. This is a continuing obligation of the complaining party and the dean of students/designee.
4. To choose an Administrative or Campus Conduct Board hearing. (The dean of students/designee may elect not to hear the case. The case would then be heard by the Campus Conduct Board or the Committee on Extraordinary Disciplinary Emergencies.)
5. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
6. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the respondent's absence). A respondent who elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
7. To know the identity of witnesses testifying against them.
8. To a university advisor, licensed attorney or non-attorney advocate. In cases involving sexual misconduct, both the complainant and the respondent have the right to an advocate or advisor as well as a support person during the hearing. While the non-attorney advocate or attorney may participate to the same extent as the respondent or complainant, the support person(s) may not actively participate in the hearing.
9. To refuse to answer any questions or make a statement – however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
10. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
11. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
12. To have one level of institutional appeal as outlined in the [UNC Policy Manual 700.4.1](#).

H. UNIVERSITY ADVISORS

A university advisor is permissible in Administrative, Campus Conduct Board, Student Academic Honor Board, Committee on Extraordinary Disciplinary Emergencies, Student Organization Conduct and Gender-Based Sexual Misconduct hearings. Upon the request of the respondent, the Office of the Dean of Students will appoint a university advisor to help a student prepare for a hearing. The advisor may not speak on the respondent's behalf at the hearing. The advisor's role is to:

- a. Advise the respondent concerning the preparation and presentation of their case.
- b. Accompany the respondent to all conduct proceedings as requested by the respondent.
- c. Have access to all materials relating to the case as provided by the respondent.

A respondent who elects not to appear at a hearing may not be represented by a university advisor at the hearing.

In cases involving sexual misconduct, both the complainant and the respondent have the right to an advocate or advisor as well as a support person with them during the hearing. The support person(s) may not actively participate in the hearing. For a more complete explanation of rights associated with student sexual misconduct cases, see the [Gender Based/Sexual Misconduct Policy 04.130](#) and the [Title IX Grievance Policy 02.210](#).

I. LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES

Students who have been accused of a violation of the *UNCW Code of Student Life* (respondents) may be represented by a licensed attorney or non-attorney advocate during any conduct hearing except when:

- a. The allegation is academic dishonesty.

A respondent who elects not to appear at a hearing may not be represented by a licensed attorney or non-attorney advocate at the hearing.

When scheduling a conduct hearing, the Office of the Dean of Students will make reasonable efforts to accommodate a licensed attorney or non-attorney advocate; however, the availability of students, witnesses, the designated administrator, board members and other necessary participants may take priority when determining the date and time of the hearing.

A student who chooses a licensed attorney or non-attorney advocate will be responsible for any expenses that may be incurred.

A. Requirements to Serve As a Licensed Attorney or Non-Attorney Advocate

In order for a licensed attorney or non-attorney advocate to represent a student in a conduct hearing, the student must provide the Office of the Dean of Students with the three (3) documents described below. These three (3) documents must be submitted within five (5) business days following the pre-hearing.

1. Notice of Representation

Students that plan to have a licensed attorney or non-attorney advocate represent them during the conduct hearing must notify the Office of the Dean of Students in writing. This notification must include:

- a. The identity of the licensed attorney or non-attorney advocate;
- b. Whether the individual is a licensed attorney or non-attorney advocate;
- c. An address, telephone number and e-mail address where the licensed attorney or non-attorney advocate can be reached.

2. FERPA Authorization

In order for a licensed attorney or a non-attorney advocate to represent a student during a conduct hearing or to speak with an administrator in the Office of the Dean of Students regarding the student, the student must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA). Even if a student submits a valid FERPA consent authorizing the licensed attorney or non-attorney advocate to receive information or documents regarding the student, the Office of the Dean of Students may at all times correspond directly with the student. It is the student's responsibility to communicate and share information with a licensed attorney or non-attorney advocate.

3. Certification by Licensed Attorney or Non-Attorney Advocate

Students that plan to have a licensed attorney or non-attorney advocate represent them during a conduct hearing must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

- a. [*UNCW Code of Student Life*](#), and
- b. Section [700.4.1](#) and [700.4.1.1](#) of the [*UNC Policy Manual*](#).

B. Participation of Licensed Attorneys or Non-Attorney Advocates in Disciplinary Procedures

Consistent with the rules, policies or guidelines governing the university's conduct hearing, licensed attorneys or non-attorney advocates may fully participate in conduct hearings only to

the extent afforded to the student they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt or otherwise interfere with a conduct hearing.

An attorney or other individual representing the university may participate in a conduct hearing in which a licensed attorney or non-attorney advocate represents a student or student organization.

J. PROCEDURAL STANDARDS FOR ADMINISTRATIVE HEARINGS

1. The decision shall be based solely upon such matters and must be supported by the evidence, which will be introduced at the hearing. Any student charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by the administrative hearing officer; hearsay shall be admissible and any credible source, and documentary or testimonial, shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of the search-and-entry provisions appearing in Section IV-H-1 and H-2.
3. Administrative hearing records are maintained in the Office of the Dean of Students and are confidential. They may be released only with the consent of the student involved or as allowed under the [Family Educational Rights & Privacy Act \(FERPA\)](#). A written record of the proceedings and action taken will be filed with the Office of the Dean of Students.
4. No administrative hearing officer who has a personal interest in the particular case may sit in judgment during the proceeding. If an administrative hearing officer refuses to recuse themselves due to a conflict of interest, the dean of students/designee will make the excusal decision. The respondent will also be given the opportunity to challenge an administrative hearing officer or official on these grounds. In such cases in which an administrative hearing officer cannot serve due to a conflict of interest, another administrative hearing officer may be appointed by the dean of students/designee to serve for the duration of the hearing.

K. ADMINISTRATIVE HEARING PROCEDURE

1. If a student requests an administrative hearing before the dean of students/designee, the administrator will provide the student written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
2. Administrative conduct hearings are closed hearings which are closed to the general public.
3. Prior to a hearing in cases which may involve suspension or expulsion, the respondent is entitled to the following as outline in [UNC Policy 700.4.1](#):
 - a. A written notice of the charge including possible sanctions.
 - b. Review of all available information, documents and exhibits.
 - c. A list of witnesses that may testify against him/her.
 - d. An outline of student rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean/designee.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
 - g. Written notice will be sent via e-mail.
4. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
5. The dean of students/designee shall:
 - a. set the date, time and place for the hearing.
 - b. summon university witnesses and prepare evidence for each hearing.
 - c. notify the respondent in writing of the following:

- i. the date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. the names of witnesses who may testify against the respondent.
 - iii. the charges against him/her.
 - iv. that the dean of students/designee may question a student testifying on the respondent's behalf or question the respondent if they testify on their own behalf.
6. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to their parent or guardian.
7. If a student chooses to present witness testimony at an administrative hearing it is the student's responsibility to notify their witness(es) of the day, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
8. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the respondent's absence, as has been outlined.
9. A final administrative decision will normally be determined immediately, but must be determined within ten (10) business days after the date of the hearing. The case resolution form (also known as the "decision of hearing") will be presented to the respondent in writing within five (5) business days of the decision.
10. If a student chooses a hearing before CCB and is cited for an additional violation(s) in the interim, the student then forfeits the right to a CCB hearing and an administrative hearing will be conducted on all charges.
11. During times in which CCB is not in session, such as an examination or break period, all cases may be heard administratively with an appeal to the vice chancellor for student affairs/designee. The decision of the vice chancellor is final unless the outcome is suspension or expulsion.

L. ADMINISTRATIVE HEARING APPEAL PROCEDURE

The respondent may request an appeal within two (2) business days after notification of the original decision. Notification is defined as the date the case resolution form (also known as the "decision of hearing") is given to the respondent in person, or the date stamp of the e-mail sent to the respondent. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student's appeal. Original sanctions (with the exception of summary suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

For non-suspension level cases, the dean of students/designee shall serve as the designated appellate officer. The decision of the dean of students/designee is final.

For suspension level cases, the vice chancellor for student affairs/designee shall serve as the designated appellate officer.

1. Procedure
 - a. The function of the designated hearing officer in reviewing an appeal is that of checking the action of the administrative hearing officer to determine if:
 - i. an alleged violation of the rights guaranteed the respondent has occurred;
 - ii. the sanction is too severe for the violation; or
 - iii. new evidence has developed which has bearing on the outcome.
 - b. Upon receiving a petition, the designated appellate officer shall obtain the record of the administrative hearing officer. Such record shall include relevant documents and a written statement by the hearing officer or advisor to the Campus Conduct Board. Such statement in the case of administrative action shall summarize the case and the reasons supporting the disciplinary decision.
 - c. With this information, the designated appellate officer shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of a decision regarding

whether the appeal will be heard within ten (10) business days after receipt of the petition. Reasonable extensions of time may be allowed.

- d. If the designated appellate officer determines that an Appellate Review shall be granted, that Review shall be held within ten (10) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the respondent of their rights (as outlined in Section II-2-G).
- e. The designated appellate officer will review all written correspondence associated with the case, may request additional documents and information from the hearing officer who adjudicated the case, and may invite the respondent, the original administrative hearing officer, and such other persons as deemed appropriate to appear to make statements and respond to questions.
- f. After the Appellate Review is concluded, the designated appellate officer will make a final decision which will be communicated to the student respondent within two (2) business days.
- g. The designated appellate officer has the authority to approve, reject or modify the decision in question or remand the case back to the administrative hearing officer.
- h. Consistent with [Section 502D \(3\)](#) of the UNC Policy Manual, when the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been denied. This appeal is for an individual student conduct case (not campus organizations), provided the appeal is based on:
 - 1) violation of due process; or
 - 2) a material deviation from [Substantive and Procedural Standards](#) adopted by the Board of Governors.

The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted.

M. ADMINISTRATIVE MEASURES

SUMMARY SUSPENSION

1. Summary suspension is an action requiring that a student immediately leave the campus and university property. It may be imposed upon a student by the vice chancellor for student affairs/designee when there is reasonable cause to believe, based on available facts, that the student may be an immediate threat to the safety of themselves, other members of the university community or university property or is disruptive without relief to the university community.
2. Any student who is suspended on a summary basis and returns to the campus and university property during the suspension shall be subject to further disciplinary action and may be arrested for criminal trespass. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the dean of students or to participate in the disciplinary procedures against them) may be granted by the dean of students/designee and requires 24-hour advance notice.
3. When a student is suspended on a summary basis, they are given notice containing the reasons for suspension, any conditions that apply and the link to the website for the UNCW Code of Student Life. A student notified of such summary suspension may, within ten (10) business days of the written notice of suspension, request through the dean of students/designee a hearing before CCB/Committee on Extraordinary Disciplinary Emergencies (CEDE) to determine the responsibility or non-responsibility of the student charged and the appropriate sanction and whether the conditions of the summary suspension should continue. A regular hearing, where normal procedures apply, before CCB/CEDE, shall normally be conducted within five (5) business days of the student's request for a hearing. Reasonable extensions of time may be allowed. If the student does not request a hearing within ten (10) business days, the student's classes will be administratively withdrawn and a notation of disciplinary suspension will be placed on their academic transcript.
4. A student may choose to hold their right to a conduct hearing in abeyance until a time when they are ready to request a hearing. Within one calendar year of the date of the original summary

suspension notification, a student may request a hearing before CCB/CEDE by submitting the request in writing to the Office of the Dean of Students. After a period of one calendar year from the date of the original summary suspension notification, a former student may request a meeting with the dean of students/designee to review their case. The dean/designee will do the following: review the conduct file, review an updated criminal background check, and require an affidavit from the student attesting to conduct history. The dean/designee may request additional documentation (such as affirmation of counseling for certain cases) and meet with the student to determine whether a hearing before CCB/CEDE is necessary or whether time served away from the institution while on summary suspension is an appropriate sanction in consideration of the offense(s). The dean/designee may elect not to review the case, and the case would then be heard by CCB/CEDE. If the dean/designee determines the former student has met the conditions of the summary suspension, they will lift the conduct encumbrance clearing them for re-enrollment to UNCW. The former student will be required to complete the standard re-enrollment application process, but will not have their conduct history reviewed by the Campus Safety Investigation Committee in the Office of Admissions. If the outcome of the meeting with the dean/designee is not satisfactory to the former student, the former student may request a hearing before CCB/CEDE. Please refer to the [Gender-Based/Sexual Misconduct Policy 04.130](#) for summary suspension cases involving sexual misconduct.

PARENTAL NOTIFICATION

Parents or guardians of students under the age of 21, who are placed on disciplinary probation for a violation of an alcohol or drug offense, may be notified through written correspondence by the Office of the Dean of Students. The purpose of the notification is to encourage parents to discuss the situation with the student, define the terms and conditions of disciplinary probation and encourage parents to work with the university in addressing behaviors which fall below the university's conduct standards.

STUDENTS WITH DISABILITIES

When a student with a documented disability is charged with an offense, and informs the Office of the Dean of Students of such status, the university will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

MEDICAL AMNESTY

The university community encourages the reporting of *Code of Student Life* violations. Sometimes individuals are hesitant to report to university officials because they fear that they or others may be charged with policy violations (such as underage drinking). In order to enable the highest safety standards and health care responses for our students, it is essential that students feel safe to report incidents to university officials, especially when they or others may be in medical distress.

Any individual, including the victim, a witness or a third party, who makes a report may not be subject to disciplinary action by the university for their own personal consumption of alcohol or other drugs at or near the time of the incident.

Medical amnesty does not apply to:

- students who are first reported by or treated by university officials or emergency personnel;
- law enforcement agencies within their jurisdictions enforcing federal, state, or local laws (however, state laws related to medical amnesty may apply); or
- students who are engaging in behaviors other than possession, consumption or use of alcohol and/or other drugs (including, but not limited to, driving under the influence, manufacturing/distribution/delivery of drugs, possessing with intent to sell/manufacture/distribute/deliver drugs, sexual misconduct, relationship violence, or stalking.)

The dean of students/designee has sole discretion related to the initiation of medical amnesty. In order to receive relief under medical amnesty, the student or organization must agree to a recommended plan of action which may include a referral to Health Promotion for alcohol/drug

education, and/or referrals to other campus/community resources, educational programming, and/or parental notification. A student or organization that fails to meet expectations of the recommended plan of action will no longer be eligible for relief under medical amnesty and may be referred to the student conduct process.

There are provisions in North Carolina General Statutes that provide amnesty for individuals seeking medical assistance for others experiencing drug- or alcohol-related overdoses. This includes General Statute § 18B-302.2 (https://www4.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_18b/gs_18b11302.2.html), which relates to alcohol, and General Statute § 90-96.2 (https://www4.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_90/gs_90-96.2.html), which relates to drugs.

ADMINISTRATIVE ORDER OF NO CONTACT

When, based on campus or external incident/police reports, the university is made aware that two or more students may pose a nuisance to the peace of the community by harassing or threatening one another, as evidenced by concerns reported by other students or the faculty or administration, and independent of any protective orders placed by a judge or magistrate, the Office of the Dean of Students may impose a mutual “Order of No Contact” between two or more students. Students issued an “Order of No Contact” may by no means communicate with, directly or indirectly, a student, faculty or staff member listed by the university. Failure to comply with a university “Order of No Contact” may result in disciplinary action taken by the university.

ADMINISTRATIVE LETTER OF COMMUNITY STANDARDS

A letter sent via e-mail to a student indicating their alleged behavior is inappropriate and may be in violation of UNCW’s community standards, and stating that future violations may result in a formal conduct process.

II-3 CAMPUS CONDUCT BOARD

A. CAMPUS CONDUCT BOARD

1. The Campus Conduct Board (CCB) is activated when a student requests a hearing before CCB or if a case is referred automatically by the dean of students/designee. The associate vice chancellor for student affairs/designee serves as the advisor to CCB. The members are:
 - a. Five (5) students recommended by the Student Government Association and appointed by the chancellor.
 - b. Two (2) faculty members recommended by the chairperson of Faculty Senate and appointed by the chancellor.
2. The dean of students/designee will select and train CCB members to serve as chairs.
3. Quorum shall consist of five (5) members – four (4) students and one (1) faculty member. During summer sessions a quorum shall consist of four (4) members – three (3) students and one (1) faculty member.
4. Selection
 - a. Students recommended by Student Government Association and chancellor for appointments to CCB are selected through a campus wide application process.
 - b. CCB members will be appointed annually. Members serve a one-year term and may be reappointed annually by the Student Government Association and will also require a re-application.
 - c. Vacancies occurring during the course of the year will be filled by the vice chancellor for student affairs.
 - d. Members of CCB become active members only after they have been trained by the Office of the Dean of Students.
 - e. CCB members may be excused from their role on the board if they fail to maintain the required GPA, exhibit inappropriate behavior in or out of the hearings, or otherwise fall out of good standing with the university.

5. Jurisdiction of CCB
 - a. CCB may have, at the request of a respondent or the dean of students/designee, original jurisdiction in conduct cases.
 - b. CCB has appellate power to review decisions of administrative hearing officers and the dean of students/designee with the authority to accept or lessen, but not increase, the sanction imposed. CCB may refer a case to the original hearing officer for a rehearing.

B. PROCEDURAL STANDARDS FOR CCB CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence, which will be introduced at the hearing. Any student charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by CCB; hearsay shall be admissible and any credible source, and documentary or testimonial, shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of the search-and-entry provisions appearing in Section IV-H-1 and H-2.
3. CCB records are maintained in the Office of the Dean of Students and are confidential. They may be released only with the consent of the student involved or as allowed under the [Family Educational Rights & Privacy Act \(FERPA\)](#). A written record of the proceedings and action taken will be filed with the Office of the Dean of Students.
4. No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to recuse themselves due to a conflict of interest, the dean of students/designee will make the excusal decision. The respondent will also be given the opportunity to challenge a committee member or official on these grounds. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the vice chancellor/designee to serve for the duration of the hearing.

C. CAMPUS CONDUCT BOARD HEARING PROCEDURE

1. Prior to a hearing, the respondent is entitled to the rights outlined in II-2-G.
2. If a student requests a CCB hearing, the dean/designee will forward written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
3. CCB hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension or expulsion, the respondent is entitled to the following:
 - a. A written notice of the charge(s) including possible sanctions.
 - b. Review of all available information, documents, exhibits.
 - c. A list of witnesses that may testify against him/her.
 - d. An outline of student rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean/designee.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
 - g. Written notice will be sent via e-mail.
5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
6. The dean of students/designee shall:
 - a. set the date, time and place for the hearing.
 - b. summon university witnesses and prepare evidence for each hearing.
 - c. notify the respondent in writing of the following:
 - i. the date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.

- ii. the name of the person appointed to serve as chairperson of CCB.
 - iii. the names of witnesses who may testify against the respondent.
 - iv. the charges against him/her.
 - v. the dean of students/designee may question a student testifying on the respondent's behalf or question the respondent if they testify on their own behalf.
- 7. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to their parent or guardian.
- 8. A respondent may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing may be allowed. CCB, with good cause, may postpone or continue the hearing and notify all interested persons of the new hearing date, time and place.
- 9. If a student chooses to present witness testimony at a CCB hearing it is the student's responsibility to notify their witness(es) of the date, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
- 10. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the respondent's absence, as has been outlined.
- 11. If a student chooses a hearing before CCB and is cited for an additional violation(s) in the interim, the student then forfeits the right to a CCB hearing and an administrative hearing may be conducted on all charges.
- 12. CCB shall proceed generally as follows during the hearing:
 - a. CCB chairperson states the hearing is closed to the public.
 - b. The chairperson of CCB informs the respondent of their rights and asks the respondent whether they agree or disagree to the charge(s) before CCB.
 - c. The dean of students/designee presents the university's case and may call witnesses.
 - d. The respondent and the CCB may question the university and/or each witness called.
 - e. The respondent presents their case and may call any witnesses they have present.
 - f. The university and the CCB may question the respondent and/or each witness called.
 - g. The dean of students/designee and the respondent present rebuttal evidence and final statements. Both the dean of students/designee and the respondent may make closing statements.
 - h. CCB deliberates in closed session and decides whether the respondent is responsible or not responsible for each charge.
 - i. If the CCB finds the respondent not responsible for all charges, the hearing is concluded.
 - j. If CCB finds the respondent responsible for one or more charges, the dean of students/designee and respondent may present evidence and argument on an appropriate sanction.
 - k. If CCB finds the respondent responsible, the dean of students/designee will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.
 - l. CCB deliberates in a closed session and determines an appropriate sanction.
 - m. CCB renders a written decision as to whether they find the respondent responsible or not responsible for the charge(s). The decision states the sanction, if any, and procedures for appeal. The respondent and dean of students/designee shall each be given a copy of the decision. A final CCB decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the respondent in writing. This will generally occur immediately following the hearing, however may take up to five (5) business days.
- 13. The student conduct file is confidential and consists of:
 - a. the original referral.
 - b. all correspondence directed to the respondent.
 - c. all material presented to, or considered by, CCB.
 - d. the official case resolution form (also known as the "decision of hearing").
 - e. appeal documentation submitted, if any.

D. CCB APPEAL PROCEDURE

The respondent may request an appeal within two (2) business days after notification of the original decision. Notification is defined as the date the case resolution form (also known as the “decision of hearing”) is given to the respondent, or the date stamp of the e-mail sent to the respondent. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student’s appeal. Original sanctions (with the exception of summary suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

For non-suspension level cases, the dean of students/designee shall serve as the designated appellate officer. The decision of the dean of students/designee is final.

For suspension level cases, the vice chancellor for student affairs/designee shall serve as the designated appellate officer.

1. Procedure

- a. The function of the designated appellate officer in hearing an appeal is that of reviewing the action of CCB to determine if:
 - i. an alleged violation of the rights guaranteed the respondent has occurred;
 - ii. the sanction is too severe for the violation; or
 - iii. new evidence has developed which has bearing on the outcome.
- b. Upon receiving a petition, the designated appellate officer shall obtain the record of CCB. The record shall include relevant documents, the case resolution form (also known as the “decision of hearing”) including a case summary and rationale for supporting the decision.
- c. With this information, the designated appellate officer shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of the decision within ten (10) business days after receipt of the petition. Reasonable extensions of time may be allowed.
- d. If the designated appellate officer determines that an Appellate Review shall be granted, that Review shall be held within ten (10) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the respondent of their rights (as outlined in Section II-2-G).
- e. The designated appellate officer will review all written correspondence associated with the case, may request additional documents and information from the student hearing chair who presided over the student board that heard the case, and may invite the respondent, the chair, and such other persons as deemed appropriate to appear to make statements and respond to questions.
- f. After the Appellate Review is concluded, the designated appellate officer will make a final decision which will be communicated to the student respondent within two (2) business days.
- g. The designated appellate officer has the authority to approve, reject or modify the decision in question or to remand the case back to the same CCB.
- h. Consistent with [Section 502D \(3\)](#) of the UNC Policy Manual, where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been denied. This appeal is for an individual student conduct case, provided the appeal is based on:
 - 1) violation of due process; or
 - 2) a material deviation from [Substantive and Procedural Standards](#) adopted by the Board of Governors.

The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted.

II-4 AUTHORIZED DISCIPLINARY SANCTIONS

A. LEVELS OF UNIVERSITY DISCIPLINARY SANCTIONS

The range of sanctions includes, but are not limited to:

Written Warning – is a status of warning at least through the end of the next full semester, which terminates automatically when the imposed period expires.

Disciplinary Probation – is a status of probation for typically no less than one year up to the remainder of a student's enrollment which terminates automatically when the imposed period expires. A student who is placed on disciplinary probation is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities.

As part of disciplinary probation, the student may also have restrictions placed on specific privileges, as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probationary period. In the event of a further violation of the *UNCW Code of Student Life* or other applicable rules while on disciplinary probation, the university may seek the penalty of suspension or expulsion.

Deferred Suspension – is a status assigned for an offense(s) serious enough to warrant suspension but where specific circumstances of the case mitigate the offense, or for repeated offenses of a less serious nature. A student placed on deferred suspension is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities, including university-sponsored travel or study abroad programs. The status is assigned for typically no less than one year up to the remainder of a student's enrollment which terminates automatically when the imposed period expires. A condition of deferred suspension may include the revocation of a student's housing contract.

In the event of a further violation(s) of the *UNCW Code of Student Life* or other applicable rules while on deferred suspension, the university will seek the sanction of suspension or expulsion.

Suspension* - Suspension is withdrawal of enrollment privileges and cancellation of registration, at a minimum, through the end of the next full semester, and carries with it conditions which must be met for re-enrollment.

Re-enrollment after a suspension period requires that the student a meeting with the dean of students/designee at the close of the imposed period, and the dean will determine whether the student has met the conditions imposed and is otherwise eligible for re-enrollment. A denial may be appealed to the Committee on Extraordinary Disciplinary Emergencies.

During the term of suspension, the student may not come onto campus. Failure to abide by this condition may result in arrest for criminal trespassing, and may delay the student's re-enrollment.

A notation of "disciplinary suspension" will be applied to a student's academic transcript and will remain until the term of suspension is complete.

A student who is suspended after the deadline for withdrawal with a "W" shall be assigned a grade of "WF" or "W" by each instructor based upon the academic performance prior to the suspension.

By state policy, a sanction of suspension requires that the student's name and duration of suspension be added to the UNC Suspension/Expulsion Database in perpetuity.

Expulsion – is the permanent dismissal of a student from the university, and it precludes matriculation at any UNC constituent institution, unless and until the chancellor who imposed or approved the sanction or their successor concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue

higher education within the UNC system. The student will be trespassed from university property for as long as the individual is considered a risk to others or to university property. Expulsion will result in a permanent transcript notation.

The chancellor or vice chancellor for student affairs may impose the sanction of expulsion.

A notation of “disciplinary expulsion” will be applied to the student’s academic transcript and will remain in perpetuity.

By state policy, a sanction of expulsion requires that the student’s name be added to the UNC Suspension/Expulsion Database.

Other Sanctions – For students living on campus, the Office of the Dean of Students will consult with Housing and Residence Life staff in order to address a student’s comprehensive conduct in residence, and may enforce the provision in the Housing Contract which provides the university the right to a) move a student to another residence hall; b) terminate a student’s housing agreement; or c) refuse to renew a housing contract. As part of the conditions established by CCB or the administrative hearing officer, a student may be denied access to a residence life area or evicted from university housing. Prior to removing a student from residence, the student is entitled to the full disciplinary process described in the *UNCW Code of Student Life*. Any student who is removed from on-campus housing shall not be entitled to a refund of room fees. For certain offenses, students may be restricted from visiting in or around campus residential facilities.

The university reserves the right to impose other educational sanctions appropriate to the offense(s).

B. RESTITUTION

CCB or the hearing body, as part of the disciplinary process, may impose specific conditions (e.g., requirement of student to reimburse for damage or destruction or misappropriation of university property or property of any person, and restitution in the form of appropriate service to be performed). Reimbursement may take the form of appropriate service for repair or compensation for damages.

C. MONETARY FEES

As a part of the disciplinary process, students will be assessed fees for classes offered through the Health Promotion Team: Challenging Decisions - Alcohol (\$100), Challenging Decisions – Cannabis (\$100), BASICS - Alcohol (\$150), and BASICS- Cannabis (\$150). Fees will be used to fund substance abuse education programs. In addition, a student may be referred to the Health Promotion Team, a substance assessment at the Counseling Center, or at an off campus agency if the hearing body finds alcohol or other drugs to be a contributing factor in the student’s case. A student who fails to appear for an on-campus substance assessment will be required to complete the assessment off campus at their personal expense. A \$50 fee will be assessed to students who fail to appear for a Challenging Decisions-Alcohol or Cannabis class or other required classes or appointments through the Health Promotion Team.

II-5 DISCIPLINARY RECORDS

- A. A hearing record, notice of appeal and each petition for review are confidential and may not be disclosed in whole or part except for certain alcohol and drug offenses (see Section III-4 for detail). Other exceptions are outlined in the [Family Educational Rights and Privacy Act \(FERPA\)](#). This disciplinary record shall be separate from the student’s academic record but shall be considered a part of the student’s educational record and maintained in the Office of the Dean of Students.
- B. Victims of crimes of violence will be notified of the results of the disciplinary proceeding of the alleged assailant. “Results” means 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 is imposed, the duration of the sanction and the date the sanction was imposed.

- C. For offenses heard under the [Student Gender-Based/Sexual Misconduct Policy 04.130](#), the university will disclose information to the alleged victim in accordance with Section X-H of that policy. A student who is suspended or expelled will have a “hold” placed on their registration by the dean of students/designee. The “hold” will be removed when the term of suspension expires and/or conditions for re-enrollment have been met.
- D. A notation of suspension or expulsion will be placed on the transcript as a “disciplinary suspension” or “disciplinary expulsion,” respectively, for conduct withdrawals and “Honor Code suspension” or “Honor Code expulsion,” respectively, for Honor Code withdrawals. The notation will remain until the term of suspension is complete. Per state policy, the student’s name will also be permanently added to the UNC Suspension/Expulsion database. Records for conduct cases (including audio, video, and transcripts) not resulting in suspension or expulsion are governed by the [UNC General Records Retention and Disposition Schedule](#). Such records are maintained by the Office of the Dean of Students for 8 years unless otherwise prescribed by the [UNC General Records Retention and Disposition Schedule](#).

II-6 COMMITTEE ON EXTRAORDINARY DISCIPLINARY EMERGENCIES (CEDE)

Notwithstanding any other provisions of the *UNCW Code of Student Life*, and in fulfillment of the obligation of the university and of the chancellor to maintain campus security and to protect the safety and welfare of students, employees and visitors to the university, the Committee on Extraordinary Disciplinary Emergencies (CEDE) is established in accordance with the provisions of [Sections 116-11\(2\)](#) and [116-34\(a\)](#) of the North Carolina General Statutes, [Sections 502D\(3\), 600, 608\(2\)](#), and [Appendix Sections XII and XV](#) of the *Code of the Board of Governors of the University of North Carolina*, [Chapter 700](#) and [Section 1300.1](#) of the *University of North Carolina Policy Manual*, and Section II-6 of the *UNCW Code of Student Life*.

A. JURISDICTION OF THE COMMITTEE

The Committee on Extraordinary Disciplinary Emergencies is established under the delegation of the chancellor pursuant to their responsibility for student affairs. The Committee is established to investigate complex cases or cases involving students or student organizations whose behavior, on or off campus, is such that their presence at the university, in the judgment of the Committee, upon referral from the vice chancellor for student affairs or the chancellor, may pose:

1. A serious risk of disruption of the academic environment.
2. A serious risk of interference with the rights of other members of the university community.
3. A serious risk or continuing danger to university property.
4. A serious risk or continuing danger to members of the university community.

B. OFFENSES

An example of student behavior that may come within the jurisdiction of the Committee includes, but is not limited to:

1. Students who have been arrested and charged with a serious crime of a violent nature, or of a dangerous nature, or which involved placing another person in fear of imminent injury or danger.
2. Students subject to summary suspension and who request a hearing to review their case.
3. Students or student organizations charged with serious violations.³

C. COMMITTEE MEMBERSHIP AND EMERGENCY PROCEDURES

The Committee shall be composed of vice chancellors or their designees, one (1) additional designee as assigned by the vice chancellor for student affairs and one (1) student from the Campus Conduct Board (CCB). A quorum of the Committee shall consist of at least four (4) designees. If a graduate student is charged, one student from the current Graduate Student Association will be appointed to

³ As described in Section II-1-B of the *UNCW Code of Student Life*.

sit on the Committee. The vice chancellor for student affairs or designee shall designate a chair to preside over the Committee.

In an emergency situation, pursuant to Section II-6-A & B or Section II-2-M of the *UNCW Code of Student Life*, the vice chancellor for student affairs/designee shall have the power to invoke summary suspension. After a hearing, as set forth below, the Committee may ratify the vice chancellor's action, reverse it or take any other appropriate action.

D. COMMITTEE ACTION IN SPECIFIED SITUATIONS

1. Dangerous or Disruptive Student Behavior

If, in the judgment of the vice chancellor for student affairs, the facts of any case are complex or indicate that the student's presence in the university poses a risk or continuing danger to members of the university community, *or* poses a risk to university property, *or* poses a risk or continuing danger of disruption of the academic environment *or* poses a risk of interference with the rights of other members of the university community, *and* the immediacy of the danger or threat is so great that emergency action should be taken, the vice chancellor for student affairs shall withdraw the case from the jurisdiction of the CCB/Student Organization Conduct Board (SOCB) and refer the case to the Committee. A student summarily suspended under this section shall have the right to a subsequent hearing as set forth below. Upon completion of a hearing, the Committee may reinstate the student, continue the student's suspension or expel the student. If the Committee expels the student, the suspension shall continue pending the chancellor's decision upon the student's appeal to the chancellor or upon the chancellor's decision to review the expulsion decision.

2. Students Charged With a Crime

In the case of a student who has been arrested and charged with a serious crime of a violent or dangerous nature or one which involved placing a person in fear of imminent injury or danger, the vice chancellor for student affairs shall review the facts and may withdraw the matter from the jurisdiction of the CCB/SOCB and refer the case to the Committee. In those cases submitted to the Committee pursuant to this Subsection II-6-D-2, the Committee may consider whether the nature of the crime is such that, if the student were guilty, the student's presence in the university would represent one of the factors set forth above in II-6-A. If the Committee's determination is that if the student were guilty of the crime with which they are charged, and the student's presence at the university would pose a continuing danger or serious risk as set forth above, then the Committee shall suspend the student from the university.

In evaluating the student's behavior to determine whether it poses a serious risk or continuing danger, the Committee shall act in light of the standards set forth in the authorities cited in Section II-6.

No action under Subsection II-6-D-2, relating to criminal charges, shall involve or be construed as an adjudication of the student's guilt or innocence of the crime charged, nor shall it be considered as evidence of the student's responsibility or non-responsibility in any subsequent Committee or CCB/SOCB proceeding arising out of the same fact situation.

A student who is summarily suspended from the university under this subsection shall have the right to a hearing before the committee. A request for a hearing must be submitted in writing to the vice chancellor for student affairs within ten (10) business days of the invocation of summary suspension. If criminal charges arising out of the same fact situation/incident are pending against the student at the time the hearing is to be held, the student may choose to proceed with the institutional proceeding or may request that they be held in abeyance until the criminal case has been resolved. In either situation, pending the outcome of the hearing, the student's suspension shall remain in effect. If the student chooses to delay institutional proceedings until after resolution of the criminal case, institutional proceedings will be resumed immediately after resolution of the criminal case. If the hearing is held before the criminal case against the student has been resolved, an expulsion may not be imposed at that time. If the student does not request a hearing within ten (10) business days, the

student's classes will be administratively withdrawn and a notation of disciplinary suspension will be placed on their academic transcript.

Within one calendar year of the date of the original summary suspension notification, a student may request a hearing before CEDE by submitting the request in writing to the Office of the Dean of Students. After a period of one calendar year from the date of the original summary suspension notification, a former student may request a meeting with the dean of students/designee to review their case. The dean/designee will do the following; review the conduct file, review an updated criminal background check, and require an affidavit from the student attesting to conduct history. The dean/designee may request additional documentation (such as affirmation of counseling for certain cases) and meet with the student to determine whether a hearing before CEDE is necessary or whether time served away from the institution while on summary suspension is an appropriate sanction in consideration of the offense(s). The dean/designee may elect not to review the case, and the case would then be heard by CEDE. If the dean/designee determines the former student has met the conditions of the summary suspension, they will lift the conduct encumbrance clearing them for re-enrollment to UNCW. The former student will be required to complete the standard re-enrollment application process, but will not have their conduct history reviewed by the Campus Safety Investigation Committee in the Office of Admissions. If the outcome of the meeting with the dean/designee is not satisfactory to the former student, the former student may request a hearing before CEDE.

E. CEDE HEARING PROCEDURE

Any student who has been suspended or expelled may not participate in any university activities or responsibilities, attend classes or come onto the campus except to attend a scheduled meeting or hearing on the case. Persons who wish to schedule a meeting with such a student must first request approval from the dean of students/designee. If the student comes onto the campus for a hearing/meeting, the student must immediately leave the campus at the end of the meeting. Any student who is suspended or expelled and returns to the campus and/or university property during the suspension or subsequent to the expulsion, without the express permission of the dean of students/designee or the vice chancellor for student affairs/designee, shall be subject to further disciplinary action and may be arrested for criminal trespass.

Summary suspension shall not be considered evidence of the student's responsibility or non-responsibility in any hearing of the Committee nor in any subsequent CCB/SOCB proceeding. Prior to any hearing before the Committee, the student will be informed by letter via e-mail of the vice chancellor for student affairs' summary action or intent to bring a charge before the Committee. The student shall also be notified of the date and location of the hearing. The hearing shall be set no sooner than five (5) business days from the date of the letter, and the letter shall be e-mailed and mailed to the student at the last known address, according to university records. The notice shall explain the charges against the student, the character of the evidence against the student and the student's rights.⁴

The Committee's decision will be based on the evidence presented. In cases brought under Section II-6-B and Section II-6-D-1, the Committee shall generally follow the procedure outlined in Section II-3-B and Section II-3-C of the *UNCW Code of Student Life*. In all cases, formal rules of evidence shall not be strictly followed by the Committee; hearsay shall be admissible and any credible source, and documentary or testimonial shall be competent to establish the truth or falsity of the charges.

Before a post-hearing action of suspension or expulsion may be imposed on a student in accordance with the Committee. The Committee must find by a preponderance of evidence that the student committed the offense in question. Before a post-hearing sanction may be imposed on a student, the Committee must find by a preponderance of the evidence that the student has, in fact, been charged with the crime in question, that the charge does not appear to be frivolous, and that, if the student

⁴ See Section II-2-G for detail.

committed the crime with which they are charged, the student's presence on the campus would pose a serious risk or continuing danger as set forth above.

Recordings or transcripts of the hearing, but not of the committee's deliberations, shall be maintained. The vice chancellor for student affairs/designee shall be responsible for all records of Committee proceedings. Following the hearing, the student shall be notified of the Committee's decision by a letter sent to the student's e-mail address (supplied to the Committee at the hearing), or if no address has been supplied at the hearing, then to the last known address according to university records.

Victims of crimes of violence will be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means 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 is imposed, the duration of the sanction and the date the sanction was imposed.

Hearing procedures for violations of the Gender-Based/Sexual Misconduct policy are described in [University Policy 04.130](#) and procedures for violations of the Title IX Grievance Policy are described in [University Policy 02.210](#).

F. APPEALS AND POST-HEARING PROCEDURES

The decision of the Committee shall become effective immediately upon its issuance. Reasonable steps of the same sort as set forth above in regards to notification of the student of the hearing shall be used to notify the student, as promptly as possible, of the Committee's decision and recommendation.

A student may appeal the decision of the Committee to the chancellor/designee(s) within ten (10) business days of its issuance. An "Intent to Appeal" must be filed within two (2) business days after notification of the original decision. The "Request for Appellate Consideration Form" must be submitted within ten (10) business days after notification of the original decision. Reasonable extensions of time are permissible upon request prior to the deadline for submission. Such petition shall be submitted to the Office of the Dean of Students in writing and shall set forth the grounds for appeal, the basis of the objection to the Committee's findings and the requested relief sought. (Hereafter the chancellor/designee shall be commonly referred to as "Appellate Body").

The function of the Appellate Body in reviewing an appeal is that of checking the action of the Committee to determine if:

- 1) an alleged violation of the rights guaranteed the respondent has occurred;
- 2) the sanction is too severe for the violation; or
- 3) new evidence has developed which has bearing on the outcome.

Upon receipt of an appeal from the student, or in the Appellate Body's own discretion, shall consider the decision a recommendation and shall decide whether to accept, modify or reject it.

In the case of an appeal, or at the Appellate Body's request, the record of the proceedings before the Committee shall be prepared by the chairperson of the Committee/designee and shall be forwarded to the Appellate Body. The record shall include the recordings or transcripts taken during the proceedings and a copy of all documents and other writings introduced in evidence at the hearing. It shall not include any record of the Committee's deliberations.

An appeal is considered solely by the Appellate Body and is final unless the outcome is suspension or expulsion. Consistent with [Section 502 D \(3\)](#) of the [UNC Policy Manual](#), when the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days for individual student conduct cases, provided the appeal is based on 1) violation of due process; or 2) a material deviation from [Substantive and Procedural Standards](#) adopted by the Board of Governors. The Board of Trustees will review the appeal within ten (10) business days.

Reasonable extensions of time will be permitted. For suspension and expulsion level cases, the appeal to the Board of Trustees is final.

Whether the hearing is held before or after resolution of the criminal case, if the student is reinstated after the hearing but due to the length of time which has passed before the hearing could be held, the student has missed so much class work that it will be impossible for the student to complete course work before the end of the term, the student may choose either to take a grade of “incomplete” in those courses and complete them in the normal period of time allowed for completion of “incomplete” under university regulations, or may choose to withdraw from the semester in question and receive a full refund of any tuition and fees paid for the term in question minus the non-refundable enrollment deposit and any charges against their account (such as library fines, unpaid parking tickets, returned check charges, damages, etc.).

A former student who has been suspended by the Committee who wishes to return to the university must follow the terms established by the Committee for reinstatement, as outlined in official correspondence from the university, unless extraordinary circumstances exist. Such extraordinary circumstances may include, but are not limited to, a verdict of not guilty of the criminal charges forming the basis for the Committee’s decision of suspension. Former students who petition the university for reinstatement must also subsequently apply for readmission. The university reserves the right to require the student to compete for admission with other applicants in that year, and comply with all other admissions criteria (created May 12, 1997; revised June 2008).

SECTION III

UNCW STUDENT RECORDS & FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY **POLICY 04.150**

III-1 PURPOSE

The [Family Educational Rights and Privacy Act of 1974](#) (FERPA, also known as the “Buckley Amendment”), guarantees certain rights for students and eligible parents regarding access to, confidentiality of and correction of the student’s education records. FERPA provides that a student may inspect his or her education records. If the student finds the records to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the student may request amendment to the record. FERPA also provides that a student’s personally identifiable information may not be released to someone else unless (1) the student has given a proper written consent for disclosure or (2) provisions of FERPA or the corresponding federal regulations permit the information to be released without the student’s consent. This policy is administered in accordance with the FERPA regulations published in 34 CFR Part 99.

III-2 DISCLOSURE OF DIRECTORY INFORMATION

- A. The university may release the following directory information to the public without the student’s consent: name; classification; local address; local or contact telephone number; UNCW electronic mail address; place of birth, college and majors; dates of attendance; degree(s) earned; honors and awards received, including selection to the dean’s or chancellor’s list, honorary organization, or the GPA range for the selection; scholarship information; most recent previous educational institution attended; participation in officially recognized activities and sports; and the weight and height and date of birth of members of athletic teams.
- B. Under FERPA, the student has the right to request that the disclosure of directory information be withheld. If a student wishes to have his/her directory information withheld from the on-line directory and public information requests, they should complete a [“Request to Prevent Disclosure of Directory Information”](#) form and submit it to the Office of the Registrar (in James Hall).

III-3 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

- A. The university may also release personally identifiable information from student education records without the student's consent in particular instances to:
 - 1. School officials who have a legitimate educational interest to access the records;
 - 2. Any third party designated by a Federal or State Authority to evaluate a federal or state supported education program;
 - 3. Researchers performing certain types of studies, as long as the university obtains certain use-restriction and data security promises from these researchers; and
 - 4. Parties named in a subpoena.
- B. "Education records" mean records that are maintained by UNCW in any media (e.g. paper, electronic, digital image, film, video, audio tape) which contain information directly related to a student and are personally identifiable to a student. Education records do not include:
 - 1. Personal records of university employees that are in the sole possession of the maker;
 - 2. Records of the UNCW police department used for law enforcement purposes;
 - 3. Student medical and counseling records maintained and used only in connection with provision of medical treatment or counseling of the student and are made available only to the individuals providing the treatment;
 - 4. Employment records unrelated to the student's status as a student (these records are covered under the N.C. Personnel Records Act);
 - 5. Records which contain information about a student after he or she is no longer in attendance at the University.
- C. "School official" means:
 - 1. An employee, agent or officer of the University or the University of North Carolina's Office of the President or General Administration in an administrative, supervisory, academic or research, or support staff position and acting in his or her official capacity, including a student assisting another school official in performing his or her tasks;
 - 2. A person serving on university committees, boards, and/or councils, including an individual serving on a disciplinary or grievance committee;
 - 3. Another educational institution that requests records for a particular student who seeks or intends to enroll; and
 - 4. A person or company with whom the University has contracted (e.g. internship and clinical facilities, attorney, auditor, or collection agent) but limited to only the specific student information needed to fulfill the contract.
- D. "Legitimate educational interest" means the function of a school official who is performing an authorized task or an activity that he or she is undertaking in the name of the University for which access to an educational record is necessary or appropriate to the operation of the University or the proper performance of the educational mission of the University.
- E. "Student" means an individual who is or has been in attendance at UNCW for degree seeking courses, non-credit courses, life-long learning courses, and/or certificate courses. It does not include persons who have been admitted but did not attend the university. For the purposes of this policy, "attendance" starts with orientation or course registration and includes in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom and the period during which an individual is working under a UNCW work-study program.
- F. In addition, the university may disclose personally identifiable information from a student's educational records without a student's consent to either individuals or entities permitted such access under applicable federal law and regulations, as more fully specified in 34 CFR §99.31. Such exceptions include, but are not limited to, the following situations: to parents of dependent students; to accreditation organizations or agencies; to comply with a lawfully issued subpoena or court order; to protect the health and safety of the student or others in an emergency; in litigation or for implied waivers by the student. For certain disclosures, university officials must record when, what records, and to whom they have disclosed personally identified information to third parties. In the case of emergencies, school officials must also record the articulable or significant threat that formed the basis for the disclosure.

III-4 ALCOHOL AND DRUG VIOLATIONS AND VIOLENT CRIMES

- A. Unless there are extenuating circumstances, the university will not generally notify parents or legal guardians of students under the age of 21 of a first time alcohol violation. Parents and guardians will be notified if the student is determined by the university to be a danger to himself/herself, others or to property.
- B. The university may notify parents and legal guardians of all second and subsequent alcohol violations. For purposes of determining what constitutes a second or subsequent violation, multiple related violations during a single incident will be treated as one offense.
- C. The university may notify parents or legal guardians of students under the age of 21 of any drug violations.
- D. The university may disclose the final results of campus disciplinary proceedings in which a student is charged with a violent crime or non-forcible sex offense. For offenses heard under the [Title IX Grievance Policy 02.210](#) or [Student Gender-Based/Sexual Misconduct Policy 04.130](#) the university will disclose information to the alleged victim in accordance with Section X-H of that policy. For other violent offenses, disclosure to alleged victims of the crime or offense will be made upon written request, regardless of whether the student was found responsible. Disclosure to third parties may be made only if the student is found responsible. Disclosure is limited to the name of the violator, the type of violation found to have occurred, and the sanction imposed by the university.

III-5 INSPECTION AND REVIEW OF RECORDS

- A. FERPA provides students with the right to inspect and review (within 45 days of request) information contained in their education records (as defined above), challenge the contents of their education records, and to have a hearing if the outcome of the challenge is unsatisfactory (see below), and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.
- B. The University Registrar has been designated by the university to coordinate the inspection and review procedures for student education records. Such records are maintained at several locations on the campus. The locations are shown in Section III-7 of the *UNCW Code of Student Life*, together with the title of the official custodian to be contacted for access to the records. A written request may be required. Students wishing to review their education records must make written requests to the administrator shown there. If the student is uncertain as to the location of a particular record, a written request should be addressed to the University Registrar listing the item or items of interest.
- C. Students may have copies made of their records unless a financial “hold” has been placed on the record by an appropriate university official. Such copies will be made at no cost to the student unless the costs exceed \$50.00.
- D. Students may not inspect and review the following, as specified in FERPA: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The university is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

III-6 AMENDMENT OF STUDENT RECORD

- A. If a student believes that the information contained in his/her education records is inaccurate or misleading, or that it violates privacy or other rights, the student may request that the university amends the record. Such request shall be in writing addressed to the University Registrar, and shall specify the amendment sought.
- B. The University Registrar or his/her designee shall, within 30 days after receiving the student’s request, and after consulting with appropriate university officials, decide whether the record will be amended in accordance with the request and inform the student. If the decision is to

- refuse to amend the record in accordance with the request, the registrar shall simultaneously advise the student that he/she may request a hearing to challenge the content of the education record to ensure that the information therein is not inaccurate, misleading or otherwise in violation of the privacy or the rights of the student.
- C. If the University Registrar receives a request for a hearing, he/she shall request that the chancellor appoint a panel of three university faculty or staff members to conduct the hearing. Persons appointed shall be individuals who have no direct interest in the outcome of the hearing. The chancellor shall designate the chair of the panel and shall provide the panel such assistance as deemed appropriate.
 - D. The chair of the hearing panel shall notify the student and the University Registrar of the date, time and place of the hearing at least five days before the hearing.
 - E. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue whether the information in the student's education record is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The student may be assisted by individuals of his/her choice at his/her own expense, including an advisor.
 - F. The University Registrar or persons appearing in his/her behalf shall be afforded a like opportunity.
 - G. The panel shall make its decision solely on the basis of the evidence presented at the hearing. The decision of the panel shall be in writing and shall include a summary of the evidence and the reasons for the decision.
 - H. If the opinion of the panel is that the information in the student's record is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the committee shall forward to the chancellor its written recommendation. The chancellor will forward to the student a decision in ten (10) class days.
 - I. If the panel decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting on the records and setting forth the reasons for disagreeing with the agency or institution. Such statement shall thereafter be maintained as part of the education record and thereafter disclosed to any party to whom the contested record is disclosed.
 - J. Students who believe that the adjudications of their challenges were unfair, or not in keeping with FERPA may request in writing, assistance from the chancellor. Further, students who believe that their rights have been abridged, may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202, concerning the alleged failures of the university to comply with the law.

For further information, students may consult the University Registrar, who has available copies of the statute and the Department of Education's regulations.

III-7 LOCATION OF STUDENT RECORDS

A. ACADEMIC RECORDS

- 1. Office of the Registrar, University Registrar, James Hall
- 2. Offices of each academic department, Department Chair
- 3. Offices of each college or school, Dean
- 4. Continuing Studies

B. DISCIPLINARY RECORDS

Office of the Dean of Students, DePaolo Hall

C. EMPLOYMENT RECORDS

- 1. Office of Scholarships & Financial Aid, Director, Warwick Center
- 2. Career Center, Director, Fisher University Union

D. COUNSELING RECORDS

Counseling Center, Director, DePaolo Hall

E. MEDICAL RECORDS

Abrons Student Health Center, Director, DePaolo Hall

F. FINANCIAL AID RECORDS

Office of Scholarships & Financial Aid, Director, Warwick Center

G. UNIVERSITY POLICE RECORDS

University Police Department, Chief, Lionfish Drive

H. CAREER SERVICES RECORDS

Career Center, Director, Fisher University Union

I. RECORDS RELATING TO INTERNATIONAL STUDENT PROGRAM

Office of International Programs, Director, Hoggard Hall

J. RECORDS RELATING TO STUDENT ATHLETES

Athletic Department, Athletics Director, Nixon Annex

K. ADMISSIONS RECORDS

1. Office of Admissions, Director, James Hall

2. Graduate Admissions, Graduate School, James Hall

L. STUDENT ACCOUNTS RECORDS

Student Accounts and Cashier, Director, Warwick Center

M. RESIDENCE HALL RECORDS

Housing and Residence Life, Director, HRL Main Office

SECTION IV**UNIVERSITY OWNED RESIDENCES****IV-1 INTRODUCTION**

The Department of Housing and Residence Life at the University of North Carolina Wilmington offers students safe, affordable and well-maintained residential facilities, complemented by exceptional customer service and co-curricular learning opportunities from highly trained, student-focused staff. The department fosters inclusive communities for holistic student learning by promoting personal responsibility, offering a broad range of educational programming, and providing leadership development opportunities. We value the efficient use of resources, technological innovation, sustainable practices, and continuous improvement to best serve our residential community. The Director of Housing and Residence Life invites all students to stop by to ask questions and offer suggestions about living on campus. The Department of Housing and Residence Life is located directly behind Schwartz Hall. The [*Campus Living Handbook & Policies*](#) outlines the rights, rules and responsibilities of students living in on-campus residences. Students living on campus are responsible for the information in the [*Campus Living Handbook & Policies*](#), which is available online by visiting the housing website (<http://www.uncw.edu/housing>).

IV-2 HOUSING & RESIDENCE LIFE STAFF

The Department of Housing and Residence Life is a representative member of the Division of Student Affairs. Members of the Housing and Residence Life staff include: the Director of Housing and Residence Life; two Associate Directors: Business Services and, Residence Life; and four Assistant Directors: Residence Life (2), Business Operations, Facilities Operations and Technology. There are also ten professional live-in Residence Coordinators. Residence Coordinators, assisted by Assistant Residence Coordinators and Resident Assistants, supervise the residential areas.

IV-3 RESIDENCE LIFE POLICIES

The following section outlines the policies that residents (and their visiting guests) must follow while visiting or living within a Housing & Residence Life (HRL) space. Any student who fails to comply with these policies will be bound by consequences outlined herein through HRL or the Office of the Dean of Students as outlined in the [*Campus Living Handbook & Policies*](#) and/or the *UNCW Code of Student Life*. Residents are ultimately responsible for the actions that take place in their living spaces and should take necessary steps to prevent and discourage any behaviors not congruent with the UNCW Code of Student Life and policies outlined by Housing and Residence Life.

A. ALCOHOL

Housing and Residence Life encourages responsible decision making within our communities. All residents should understand that they are ultimately responsible for the actions that take place in their living spaces and should take necessary steps to prevent and discourage any behaviors not

congruent with the Seahawk Respect Compact, Community Agreement, and UNCW Code of Student Life and policies outlined by the Department of Housing and Residence Life.

The University of North Carolina Wilmington abides by North Carolina State laws and statutes. Students 21 years of age and older may possess and consume beverages within the privacy of their bedroom or private living area. Students suspected of underage possession/consumption and/or other alcohol policy violations will be referred to the Office of the Dean of Students. Below outline expectations about alcohol usage in the residential buildings:

- Residents who are not 21 are not permitted to possess/consume alcohol.
- Residents 21 years or older are allowed to possess and responsibly consume alcohol.
- Non-students and off-campus students are not permitted to bring alcohol onto campus.
- Alcohol is not permitted in public areas: hallways, lounges, balconies/porches, pools and other outdoor areas.
- Alcohol beverages sales in UNCW residence halls is prohibited.
- Communal containers of alcohol are not permitted. This includes, but is not limited to, kegs and other large common source containers.
- Games/activities which encourage binge drinking are not permitted. This includes but is not limited to beer/water pong, flip cup, card games, etc. Paraphernalia associated with such games/activities are also prohibited.
- Residents who are under 21 years of age are not allowed to host people with alcohol regardless of guest's age.

Additionally, those who are of legal drinking age have a responsibility to hold themselves as well as their peers accountable for acceptable drinking behavior(s), which include:

- Of age residents should never purchase/provide alcohol to underage persons.
- Of age residents should never be in the presence of underage consumption.
- Of age residents should label their alcohol if it is kept in a common area shared with an underage room/apartment-mate.
- Of age residents should account for alcohol purchased/owned.
- Of age residents should never exhibit behavior attributed to over consumption of alcohol. This includes but is not limited to vomiting, slurred speech, need of physical/medical assistance, inability to carry out bodily functions, etc.

A student and their guest may be asked to open all backpacks, bags, coolers, and other containers when entering residential facilities. This procedure is a safety and security measure which prevents unwanted or unauthorized items from being brought into the residence. All students' cooperation with staff requests is expected and appreciated. A resident and their guests may be denied entrance if they choose not to cooperate with this request.

B. DRUGS

The illegal use, possession, sale, delivery and/or manufacture of drugs (illicit or prescription) is not permitted. Possession of drug-related paraphernalia is also not permitted. This action is subject to University Police investigation and referral to the Office of the Dean of Students. Additional information about the university drug policy can be found in the *Code of Student Life*.

C. VISITATION

The visitation program in the UNCW student residences creates a structure for residents to bring guests into their rooms. In full support of the educational mission of the university, students living on-campus are expected to view academic responsibilities as their primary goal. Studying, therefore, takes precedence over socializing in the student residences on weekday nights. On weekends, there is a greater amount of leisure time and social activities that are usually more prominent. The guidelines for visitation are grounded in this academic schedule and are designed to balance a student's responsibilities with individual and group needs.

All students have the opportunity to accept or reject participation in the visitation program at a building-wide vote that takes place during the first two weeks of classes in the fall. If sufficient interest exists from an area for a “no visitation area,” specific arrangements will be made to accommodate that request. In the event that there are not enough requests to satisfy various options, no person will be forced to participate in a more liberal visitation policy originally outlined. The changes to visitation will go into effect as prescribed and advertised by Housing and Residence Life but most often within five days of voting completion.

1. **VISITATION PHILOSOPHY:** The visitation policies were developed through deliberate study by staff and student groups. Certain underlying assumptions are reflected in the visitation program at UNCW:
 - a. The purpose of a student’s room is primarily for study and sleep, which take precedence over social privileges.
 - b. The nature of the physical facilities, particularly in the traditional residence halls, places certain limitations on the visitation program.
 - c. There is a legitimate need for, and benefit from, providing greater opportunity for contact between students.
 - d. The hours of the program accommodate, as best they can, the divergent lifestyles of students and variety of housing styles available on campus.
 - e. Respect for the wishes and well-being of one’s roommate(s) is more important than someone’s desire to have guests.
 - f. Cohabitation is not permitted in any university housing facility.

2. **REGISTRATION OF GUESTS:** It is the responsibility of each resident to attend to the registration of a guest in all residence except Seahawk Apartments and University Suites A resident may host no more than three guests at a time. Furthermore, it is the responsibility of each resident to escort the guest(s) at all times while the guest(s) remains in the building. Guests must carry a valid picture ID when visiting residential facilities. State, government, and military issued IDs are acceptable forms: library cards, debit/credit cards, etc. will not be accepted. Guests must present a valid picture ID to the desk receptionists when checking in. The guest may be required to surrender this ID depending on technology available. This identification will be returned when the guest leaves the building. False identification will be turned over to University Police for appropriate action. Hosts are responsible for guests’ behavior, for any damages incurred, and for the adherence to all university policies and procedures.

3. **LOSS OF PRIVILEGES:** Residents should understand that visitation is not a right, but rather a privilege that may be suspended or revoked at any time for violations of the Department of Housing and Residence Life policies, the Community Agreement, and/or *UNCW Code of Student Life* violations. Visitation privileges may be suspended administratively by Housing and Residence Life or by conduct review from the Office of the Dean of Students. At any time that a guest’s behavior becomes problematic, they may be asked to leave by HRL staff.

4. **DAYS AND HOURS:** At the beginning of the fall semester all residential facilities originally begin with visitation hours set to 11:00 a.m. to 11:00 p.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday. Within the first two weeks of the fall semester, residents will have the opportunity to vote on one of three visitation options that they prefer for the remainder of the academic year. Each option has percentage requirements (based upon total residence hall occupancy) that must be met.
 - Option 1: Keep the visitation hours as originally set (allowing for visitation hours from 11:00 a.m. to 11:00 p.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday).
 - Option 2: Increase the original visitation times to be one hour earlier and one hour later

(allowing visitation hours from 10:00 a.m. to midnight on Sunday through Thursday and 10:00 a.m. to 3:00 a.m. on Friday and Saturday).

- Option 3: Extend the weeknights by an hour (allowing visitation hours from 10:00 a.m. to midnight on Sunday through Thursday) and have open visitation on Friday and Saturday nights, understanding students are still expected to respect their roommate's rights and follow the overnight guest policy.

In all residential communities, residence life staff regulate the visitation policy through 24-hour service desks and guest registration program. In Seahawk Landing, Seahawk Village, Seahawk Crossing and University Suites visitation policies are to be followed but there is no guest check in at a desk. Additionally, residents are expected to hold themselves and peers accountable for this and all policies outlined by Housing and Residence Life and the *UNCW Code of Student Life*. If residents feel peers are not adhering to expectations outlined in the policy, residents have a responsibility to communicate violations to the appropriate staff in a timely manner. Community Standards and other peer agreements cannot supersede HRL or university policies (meaning a community may not endorse a community standard in their Community Agreement that is also a violation of any campus policy).

Each building may also choose to accept extended in-hall visitation privileges during the vote, which takes place in the fall semester. Extended in-hall visitation allows residents of a building free access to visit other residents within the building. This is in addition to the normal visitation hours that apply to outside guests. These hours may be extended to include up to 24 hours per day, seven days per week.

5. **OVERNIGHT GUESTS:** Residents may register overnight guests who are of the same sex at their Front Desk. A guest may not be registered overnight more than three nights in a two-week period. Overnight-guests in apartment and suite communities are subject to the same expectations outlined in this section. Violations of this policy should be reported to appropriate residence life staff.
6. **ESCORT POLICY:** Resident students are responsible for escorting their guests within the building at all times. In addition, residents must supervise their guest within their room/suite/apartment. The resident is responsible for informing their guest(s) of all university policies and regulations and Community Standards for their area. Hosts are responsible for any policy violations committed by their guest, and their guest may be asked to leave by HRL staff for any behavioral issues that occur.
7. **MINOR GUESTS:** Visiting non-student minors (under 18 years of age) must be accompanied at all times by the resident they are visiting, must present a photo I.D. or show written parental permission for the visit. Non-student minors may only stay overnight when hosted by a sibling who resides in the building, but their parent must provide advance notice and valid parent/guardian phone number to the Residence Coordinator. The minor children or dependents of residents are not permitted to permanently live in a resident's room.

D. PETS

Residents are permitted to have fish in a 20-gallon tank or smaller as long as the tank is maintained in a sanitary condition. Fish are categorized by their need to live wholly under water. Expressly prohibited pets include, but are not limited to, cats, dogs, rabbits, snakes, hermit crabs, insects, reptiles, amphibians, birds, gerbils, rodents, etc. (unless said pet is approved in compliance with other university policies herein, such as service animals). Paraphernalia indicative of prohibited pets should not be maintained in residential spaces (cages, pet containers, pet food, etc.). A fine may be assessed to each student who possesses a pet in the student residences. Residents will be assessed for the cost of cleaning and extermination services required due to presence of illegal pets. Any pets found in violation of this policy may be removed immediately and turned over to the local animal

control center or another animal rescue agency. Violations may also be forwarded to the Office of the Dean of Students.

E. NOISE

Residents are expected to use discretion with noise in and around all residential buildings using the following guidelines:

- i. Excessively loud noise is prohibited at all times. If amplified noise is played out of a window or is a persistent problem in or around one's room, suite, apartment or residential building, Housingstaff will intervene. Drums and amplified sound equipment are not allowed in any residential building.
- ii. Quiet hours are from 8:00 p.m. to 10:00 a.m. on Sunday through Thursday and on the weekend from 12:00 a.m. to 10:00 a.m. Noise (including loud talking, music and other miscellaneous sounds) outside a resident's room must be kept at a minimum level so that they cannot be heard inside of a resident's room. During final examinations staff will enforce quiet hours 24 hours a day.
- iii. Courtesy hours are always in effect. During courtesy hours, the living environment should be conducive to a student's right to study and sleep in their room at all times. Students should comply with a resident's request to lower any noises that interfere with their ability to study or sleep in their room.

If a resident has a concern with the level of noise, the first step is for her/him to talk to the resident(s) about the concern. If the noise continues after a resident shares their concern, the RA on duty should be contacted.

F. SOLICITATION

In order to maintain the privacy of students living in campus housing, non-residents are prohibited from door-to-door solicitation, distributing flyers, and/or canvassing (including petitioning). University-owned housing may not be used to raise money for any individual or organization other than an officially registered campus organization, and only with the written permission of the Director of Housing and Residence Life or designee.

G. PRIVACY POLICY OF RESIDENTS AND GUESTS

The privacy of the individual is a priority. However, controlling the entry into a residence hall of staff entering student rooms and apartments for specific business purposes at times may be required.

a. BUILDING ENTRY

Housing and Residence Life reserves the right to verify the identity and age of all persons entering the residential facilities. In an effort to maintain the safety of residents and enforcement of policy, backpacks, coolers, and other containers may be subject to inspection prior to entering a residential facility. When requested, individuals may be denied entrance if they fail to cooperate, or if any illicit materials are found.

b. ROOM ENTRY

University officials may enter a room under the following conditions:

- a. When there is sufficient reason to believe that an emergency situation or policy violation exists that poses immediate danger to the occupants and/or to the facility.
- b. For routine maintenance, cleaning, and health/safety inspections.
- c. To deal with disturbances which are in violation of university regulations and/or violating the rights of other students within the residence hall, apartment complex or suite complex.
- d. When a student who is a resident gives voluntary consent. The student's consent may be freely given and must not be based on coercion or threats by the university and must not be occasioned by a student's fear of reprisal for failure to give consent.
 - 1) The intrusion by the employee must be limited to the consent given by the student; for example, if the student consents to entry by the employee, the employee is not entitled to search the student's belongings without obtaining further consent to do

so.

- 2) Any student who is a resident of the room, suite or apartment may consent to entry of the university employee and to a search of that student's personal belongings. However, no student may consent to the search of another student's/roommate's bedroom, closets, locker, suitcases, or other areas under the primary control of another student.
- e. Materials found during entry as described in this section may be used in any university disciplinary proceeding if said material is found in plain sight or during the course of performing the objectives described in sections a, b, c, and d. Materials found beyond the scope of such entry shall constitute a search as defined below and may not be admitted if found in violation of that section. Any unauthorized materials found during an entry may be impounded and used as evidence in related criminal and/or campus conduct proceedings.

c. *ROOM SEARCH*

Searches of student-occupied premises or a student's personal possessions shall be only as authorized by law. A student's room is considered private; a search of residence hall rooms will be guided by the following principles:

- a. University officials and/or University Police may search a room only upon obtaining a legal warrant or consent of the occupants.

Searches of university residence hall rooms by external law enforcement officials will be regarded as a matter between the student and law enforcement officials involved. The university's interest will be limited to requesting that it be notified of impending searches.

H. DAMAGES

Damages to student rooms are the responsibility of the occupant(s). Damage charges will be shared equally by all roommates unless residents provide written notice to the Residence Coordinator of a particular student who may be responsible for the damage (and said student agrees with such claims). In order to prevent misinterpretation, it is suggested that students inspect their rooms thoroughly when completing the Room Condition Report (RCR) upon taking occupancy of a room. This task should be taken seriously and completed in detail.

I. WEAPONS

To provide for the safety and well-being of all members of the residential community, possession of weapons of any type (including paintball guns, BB guns and bows and arrows, or any other weapons prohibited under North Carolina law) are strictly prohibited in residential communities.

J. SMOKING

UNCW is a smoke-free campus as it applies to all academic, student-support and residential buildings. This means that smoking is not permitted in buildings at any time. Smoking is defined as burning any type of tobacco product including but not limited to, cigarettes, electronic and/or vaporized devices, cigars, cigarillos, pipes, and bidis.

There is a 25 ft. no-smoking zone at all UNCW facility entrances and windows. Students found in violation of this policy will be fined at least \$25.00 for their first violation and at least \$50.00 for each subsequent violation. Students must properly dispose of all cigarette butts in order to prevent the risk of brush fires.

K. FIRE SAFETY

Residents are responsible for maintaining the safety of residential spaces by not having items which may pose a fire or safety risk. Candles (ceremonial, decorative, or display), incense, bongos, hookahs, fireworks, and non-fire-retardant materials used to decorate are strictly prohibited. No items may be hung on the ceiling or in doorways or hung or affixed in any way to windows (including fabric, banners, tapestries, posters, beads, or flags). This includes attaching items to curtains or blinds. All curtains must be flame-retardant and have the appropriate designation. Wall coverings should take

up no more than 50% of a wall space. Due to safety concerns, halogen lamps, lava lamps, scooters, electronic skateboards\hover boards are not permitted in residence halls at any time. Never store flammable materials (charcoal, lighter fluid, gasoline, fireworks etc.) inside residential facilities. Fire safety equipment and associated mechanisms should never be tampered with by residents or guests. This equipment includes but is not limited to smoke detectors, sprinkler heads, pipes, fire panel displays, etc. Any activity that prevents the designed operation of fire safety equipment is prohibited and will be actionable through the campus conduct system.

SECTION V

STUDENT ORGANIZATIONS

V-1 INTRODUCTION

Students at UNCW are encouraged to organize and join associations to explore their common interests and develop knowledge and skills. Student organizations wishing to be registered with UNCW must form and operate in compliance with university policies. It is through our registered student organizations that the university is able to promote a sense of community and offer students the opportunity to pursue the practice of involvement, leadership, engagement and service.

Although critical to the fabric of campus life, student organizations are independent organizations and are not considered to be an extension of the university. Unless the university has specifically requested that a student organization host an event (and by doing so has deemed the organization an agent of the university), the student organization will not be covered by the university's insurance.

A registered student organization is defined as a group of five (5) or more currently enrolled University of North Carolina Wilmington students who unite around a common interest. Student organizations may have other non-student members as part of the student organization but these non-student members may not be considered voting members. Unless more specific membership requirements are provided by the appropriate advisory council (appropriate advisory councils are Student Organizations Committee, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council and the Interfraternity Council), this section outlines university policies pertaining to the formation and operation of registered student organizations, including actions that may be taken by the university for noncompliance with these policies. In addition to the policies established in this section, organizations must also adhere to all policies set forth by their respective governing bodies.

V-2 STUDENT ORGANIZATIONS COMMITTEE

A. Student Organizations Committee (SOC), a standing advisory committee of the chancellor, has the responsibility of reviewing all student organizations for registration and recommending policy and processes to the chancellor. The committee has 14 members: five students appointed by Student Government Association for one year, renewable terms and five faculty appointed by the chancellor for three-year terms. The Dean of Students, the Executive Director of Campus Life, the Director of Campus Activities & Involvement and the Assistant Director of Campus Activities & Involvement are all ex-officio members and serve as advisors without a vote.

A chairperson will be elected each year by majority vote and will begin his/her term with the first meeting of the fall semester. The position of the chairperson is only open to voting members of the committee. The Assistant Director for Campus Activities & Involvement will fulfill the role of the convener and will work with the chairperson to prepare for all meetings. The chairperson shall attend and preside over all meetings. S/he shall also sign all official documents of the SOC.

The convener shall call meetings and arrange to notify members of the committee with a minimum of four days advance notice. S/he shall also maintain all minutes and official documents and keep accurate files in the Campus Activities & Involvement Center.

The chairperson may be removed from office by at least a two-thirds vote of the SOC for non-fulfillment of duties. In the event that the chairperson leaves or is removed before completing the term of service, a replacement will be elected by the voting members to serve to the end of the term.

- B. Responsibilities of the committee include:
 - 1. Reviewing, approving and revoking registration of student organizations.
 - 2. Formulating, reviewing and approving policies governing student organizations for submission to the chancellor for final approval.
 - 3. Considering appeals that pertain to registration procedures.
 - 4. The SOC has continuing authority to review the purpose and activities of any registered student organization and to classify organizations in categories according to risk associated with their activity. The SOC has continuing authority to require participants of any registered student organization and the organization itself 1) to maintain appropriate insurance coverage and to submit proof of coverage, and/or 2) to submit valid waiver(s) of liability or assumption of risk statement(s) that protect(s) the university to the greatest extent possible from the risk of liability because of the activities of the organization.

V-3 APPLYING FOR REGISTRATION AS STUDENT ORGANIZATION

- A. Students planning to develop a student organization must register their intent and provide written justification for the organization's establishment with the Campus Activities & Involvement Center (CAIC), including a draft constitution, and must have at least five (5) University of North Carolina Wilmington currently enrolled students interested in starting the organization. Groups which have filed this "Intent to Register Form" and submitted the draft constitution shall be granted provisional status and the use of university facilities for organizational or recruitment meetings. Organizations under this status are not eligible to reserve university space for events, fundraise on campus or establish an on-campus account. If the registration process is not complete within 30 days, provisional status and permission for use of university facilities and services may be terminated (see Section VII), and pending reservations may be cancelled.
- B. To apply officially to SOC for registration, a group must submit a copy of its constitution to the CAIC. The CAIC staff will then work with the group on its constitution to prepare it for SOC review. The group must submit a final draft one week prior to the scheduled SOC meeting at which the constitution will be reviewed.
- C. One of the following decisions will be made after a constitution is submitted to the SOC:
 - 1. The constitution will be approved.
 - 2. The constitution will be approved with suggestions for minor revisions.
 - 3. The constitution will be rejected because major revisions are required.
- D. The final stage of the registration process is to meet with a CAIC staff member or Involvement Specialist to learn about the resources and benefits of being a student organization and set up the organization's WaveLink account.
- E. Once an organization has been approved, the CAIC staff will provide current guidelines, policies, procedures, and resources. Registered student organizations must then continue to re-register annually each spring.

V-4 RIGHTS/PRIVILEGES OF REGISTERED STUDENT ORGANIZATIONS

- A. A registered student organization is entitled to:
 - 1. Be listed as a registered student organization. Only student organizations registered by SOC and in good standing with the university (meaning not on disciplinary probation) may use the name of the university or an abbreviation of it as a part of their name.

2. Sponsor or present a public event on university property. Organizations undertaking this activity may consult with the CAIC staff for procedures and approval.
 3. Raise funds or make other permissible solicitations on university property in accordance with university policy (see Section VI-3).
 4. Reserve the use of university facilities and services (see Section VI and VII-3).
 5. Be eligible for possible funding by the UNCW Student Government Association according to Student Government Association guidelines.
 6. Be listed on the “Student Organizations” web page for UNCW.
 7. Appoint or elect an advisor of the organization’s choice; although strongly recommended, an advisor is not required.
 8. Utilize the resources and services provided in the Involvement Center.
 9. Have access to technological resources provided by ITSD such as a web page, UNCW e-mail account and file sharing/storage space on the student server.
- B. Policies and actions of a student organization will be determined by those persons who hold a bona fide membership in the organization.

V-5 RESPONSIBILITIES OF REGISTERED STUDENT ORGANIZATIONS

A registered student organization must:

- A. Adhere to all university policies and procedures governing student organizations including:
 1. Adhere to student standards of conduct (II-2)
 2. Reserving space (VI-1)
 3. Posting publicity such as posters and banners (VI-3)
 4. Political and religious activity (VI-4)
 5. Solicitation both on and off campus (VI-5)
 6. Responsible use of information technology resources (Policy 07.100)
 7. Event registration
 8. Dances
 9. Travel guidelines
- B. Have five (5) or more currently enrolled University of North Carolina Wilmington students. Student organizations may have non-student members as part of the student organization but these non-student members are not considered voting members nor may they serve in an official capacity on behalf of the organization.
- C. Update organization information, including officer contact information, with the CAIC through WaveLink, CAIC’s online student organization information database, by the date set annually (date is published in CAIC registration materials and posted on-line at www.uncw.edu/studentorgs). In addition, student organizations must register a complete list of officers and other members of the organization who are authorized to speak for or represent the organization and who are designated to (including, but not limited to) sign paperwork, reserve space, file and manage appropriations and receive for the organization official notices, directives or other information from the university. Advisors (non-students) may not be designated to act on behalf of the student organizations in the above stated areas. Authorized individuals shall be kept current and accurate throughout the year by the organization.
- D. Maintain a current electronic file through WaveLink of its SOC approved constitution which includes the stated mission of the organization. The stated mission must have a direct correlation to the purpose of the organization. In the event that the organization revises its constitution, the revised document must be submitted to the CAIC office for review. This document should include a dateline to reflect when organization approval was obtained and should be supported by documentation of the changes that were made (i.e. meeting minutes, signatures of approval, etc.)
- E. Send at least one representative to a Re-Registration Seminar to receive policy and resource information related to student organizations as well as training on how to effectively coordinate events on behalf of an organization.
- F. If funded by SGA, use a UNCW account for deposit and use of funds. In addition, if funded through a SGA operational budget, send at least one student representative to meet with the Campus Life Business Manager to discuss funding policies and procedures.

- G. Advertise or promote events or activities in a manner that does not suggest falsely that the event or activity is sponsored by the university.
- H. Plan and conduct activities furthering the purpose of the group as stated in its constitution.
- I. Adhere to all national policies if nationally affiliated.
- J. State that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed by UNCW.
- K. Social fraternities and sororities must be advised by the Office of Student Leadership & Engagement and/or the Campus Activities and Involvement Center and must adhere to the policies outlined by said office.
- L. If a Greek-lettered organization, through its affiliation with a Greek Council, is advised by the Office of Student Leadership and Engagement (OSLE), they must register all social events with OSLE a minimum of 5 business days before an event and submit a guest list 24 hours prior to the event start time. The link for registered events is can be found [HERE](#). This registration process is designed so the university may help chapters host safe events by providing the necessary resources, including but not limited to those outlined in the [Recommended Guidelines for Fraternity and Sorority Events with Alcohol](#), which are adapted from the North American Interfraternity Conference Alcohol & Drug Guidelines. Annually, beginning each August, the response for non-registration of a chapter social event will be a required meeting with a staff member in the Office of Student Leadership and Engagement. Subsequent violations may result in a formal conduct charge of “failure to comply” through the Office of the Dean of Students.
- M. If affiliated with the Sport Club Council; each member must submit a waiver and have it on file with the Competitive Sports Office prior to participation in any practice, competition or other physical activity; complete a swim test as required for all water based activities; file required float or route plans prior to activities; submit an Event Request form ten (10) business days prior to the event date and attend a home event meeting the week prior to the event; submit a Travel Request ten (10) business days prior to the date of travel to the Coordinator of Competitive Sports-Sport Clubs and attend a pre-trip meeting the week of the travel.
- N. It is the policy of UNCW that registered student organizations practice an open membership policy for members of the university community without regard to age, color, disability, national origin, race, religion, military service member or veteran status or sexual orientation. Membership and participation in registered student organizations must be open to all currently registered students without regard to gender, unless exempt under Title IX (See Federal Law I).
- O. Registered student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the group to students who, upon individual inquiry, affirm that they support the group and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin, disability, religious status or historic religious affiliation, military veteran or service member status, sexual orientation, or, unless exempt under Title IX, gender.
- P. All fee sponsored programming must be open to the entire university community. All registered student organizations and their leaders must further comply with the *UNCW Code of Student Life*, University policies and applicable state, federal and local laws.
- Q. Provide proof of general liability insurance to hold certain activities using university facilities, as registered student organizations are not covered by the university’s liability insurance.

V-6 REGULATIONS FOR REGISTERED STUDENT ORGANIZATIONS HOSTING SPEAKERS/EVENTS

- A. When a student organization sponsors a third party speaker/event, a student organization representative must serve as the main point of contact for planning the event and reserving university space. The Campus Activities and Involvement Center (CAIC) and Campus Life Events and Reservations staff will work directly with student organization leaders when reserving space or planning event logistics.
- B. Student organization leaders must be present throughout the entire event. This includes all planning meetings, pre speaker/event set-up and load in, through the entire performance/event,

and for the entirety of post event break down and clean up. The sponsoring student organization will be required to have representatives available throughout the speaker/event to answer questions or respond to concerns. These organizational representatives will be given a button or laminate provided by the CAIC office so they are easily identifiable to staff, students, and audience members.

- C. The Campus Life Events and Reservations office will forward reservation requests for speakers/events to the University Police for guidance on security and crowd control staffing needs.
- D. Once University Police make a recommendation for security personnel, all fees associated with security needs will be charged to the sponsoring student organization.
- E. All charges for audio-visual needs, extended hours fees, security fees, or other required charges will be paid by the sponsoring student organization directly. No third party payment(s) will be accepted for a student organization-sponsored event using space as a Tier One user. It is also important to note that any event which requires a registration or attendance fee is automatically subject to room rental fees (see [UNCW Facilities Use Policy-02.140](#)).
- F. Student organizations are required to include the statement that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed by UNCW. This information should be included in advertisements for the speaker/event (see *Code of Student Life* Section V-5-J).

V-7 ANNUAL REVIEW OF ORGANIZATIONS

- A. Annually, in the spring semester, the Campus Activities & Involvement Center (CAIC) shall review the status of all organizations to determine whether they meet eligibility requirements specified previously and are conducting their affairs in accordance with SOC guidelines and policies outlined in the *UNCW Code of Student Life*. Specific deadlines for registration materials will be set by CAIC each spring semester (deadline date is published in CAIC registration materials and posted on-line at www.uncw.edu/studentorgs).
- B. If CAIC determines that an organization has not completed the re-registration process; is ineligible for renewal of registration; is inactive, or conducts its affairs in violation of university policies and procedures; the organization shall be notified in writing of each deficiency. If the organization fails or refuses to attempt to remedy each deficiency, CAIC may place the organization in provisional status, thus limiting its privileges until all requirements are fulfilled, or deem the organization as inactive. Organizations may submit a written appeal of CAIC's classification to the SOC within ten (10) business days of being notified.
- C. A student organization which is inactive for more than four consecutive semesters may reapply for registered status by submitting an "Intent to Register Form" and draft constitution as though it were a new student organization.
- D. If, upon review, the SOC discovers that a student organization has revised its constitution so that it no longer complies with university policy, the organization will be notified in writing. If the constitution is not revised within ten (10) business days, the organization's registration status and all its privileges will be revoked. Should the student organization choose to revise its constitution after the ten (10) days, it must submit an "Intent to Register Form" and draft constitution as though it were a new student organization.

V-8 GOVERNING BODIES

The SOC has established thirteen (13) categories of student organizations. These categories are Academic, Professional, MultiCultural, Graduate Student Associations, Fraternities and Sororities, Honorary, Media, Political/Activist, Religious, Performance/Visual Arts, Service, Special Interest and Sports and Recreation. In addition, there are eight established governing bodies: Student Government Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, Residence Hall Association, Student Media Board, Graduate Student Association and the Sport Club Council. Governing bodies serve to represent, connect and provide services for other student organizations with similar missions and/or student populations that fall under their jurisdiction.

The CCB plus two (2) designees from the appropriate advisory council (appropriate advisory councils are SOC, Sport Club Council, Graduate Student Association, Interfraternity, Panhellenic Council and National Pan-Hellenic Council) would serve as the original hearing body for any conduct issues.

V-9 INITIATION OF PRELIMINARY INVESTIGATION, DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION FOR STUDENT ORGANIZATIONS

Under the direction of the chancellor, the vice chancellor for student affairs has primary responsibility and authority for the administration of student organization conduct. Further delegation of this authority may be made by the vice chancellor for student affairs to the Office of the Dean of Students and to disciplinary bodies, such as Student Organization Conduct Board (SOCB) and the Committee on Extraordinary Disciplinary Emergencies (CEDE). (See also [700.4.1.1.](#))

A. FILING COMPLAINTS

At the request of any registered student organization, staff member, faculty member or student; or based on a complaint about the organization or its members; or based on alleged policy violations, the university may initiate a preliminary investigation. Grounds for conduct review include, but are not limited to, alleged violation of rules by the organization as listed in Section II-1-B.

B. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student organization president via their UNCW e-mail address. The University of North Carolina Wilmington regards e-mail as an official method of communication with students, staff and faculty. The university reserves the right to use other reasonable means to notify a student organization.

C. STANDARD OF PROOF

The standard of proof for all student organization conduct cases will be preponderance of evidence which means there is greater than a 50% likelihood the student organization is responsible for the alleged violation(s).

D. PRELIMINARY INVESTIGATION

When the dean of students/designee receives information that a student organization has allegedly violated university regulations or local, state or federal law, the dean/designee shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether or not to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible.

During the preliminary investigation/conduct review process, the president of the student organization plus one additional executive board member from the student organization, will be permitted to represent the student organization. Prior to disciplinary action or sanctioning, the Office of the Dean of Students shall investigate the alleged violation(s).

E. ADMINISTRATIVE MEASURES

SUMMARY SUSPENSION

1. Summary suspension is an action requiring that a student organization immediately suspend all operations. It may be imposed upon a student organization by the vice chancellor for student affairs/designee when there is reasonable cause to believe, based on available information, that the student organization may be an immediate threat to the safety of its membership, other members of the university community or university property or is disruptive without relief to the university community.
2. Any student organization suspended on a summary basis and continues to operate during the suspension shall be subject to further disciplinary action.

3. When a student organization is suspended on a summary basis, the organization is given notice containing the reasons for suspension, the duration and any conditions that apply and a link to the website for the *UNCW Code of Student Life*. A student organization notified of such summary suspension may, within ten (10) business days of the written notice of suspension, request through the dean of students/designee a hearing to determine the responsibility or non-responsibility of the student organization charged and the appropriate sanction and whether the conditions of the summary suspension should continue. A regular hearing, where normal procedures apply, before the SOCB or the CEDE, shall normally be conducted within five (5) business days of the student organization's request for a hearing. The vice chancellor for student affairs/designee will make the final decision on whether the case will be reviewed by the SOCB or the CEDE. Reasonable extensions of time may be permitted.

WITNESSES

Witnesses that have been interviewed by the university may be called to testify at a student organization's conduct hearing. A student organization's members are expected to refrain from any intrusion, harassment or retaliatory behaviors against any witnesses involved in a UNCW preliminary investigation and/or conduct hearing. Reports of improper behavior may be investigated by the Office of the Dean of Students and, if substantiated, may result in the student organization and any individuals involved facing formal campus conduct charges.

CEASE AND DESIST ORDER

When a student organization is under investigation for an alleged violation of the *Code of Student Life*, a cease and desist order may be implemented by the Office of the Dean of Students. The cease and desist order requires that a student organization cease and desist all actions and operations, with the exception of meetings by the general membership to discuss the reported situation and possibly to prepare for a conduct hearing. Failure to adhere to the cease and desist order will result in a charge of the *Code of Student Life* Section II-1-B-10 for failure to comply with university directives.

F. SUMMONING A STUDENT ORGANIZATION PRESIDENT FOR A CONFERENCE OR PRE-HEARING MEETING

Should a student organization president not appear when requested by the dean of students/designee, the dean of students/designee may formally summon the student organization president to appear for a conference or pre-hearing meeting in connection with an alleged violation by sending them notification (pursuant to Section V-9-B).

A conference is a meeting where the dean of students/designee will share information with the student organization president related to a report that has been filed with the university to make the organization aware that they are being investigated. The university may also inquire of the student organization's knowledge or involvement related to the alleged incident(s).

A pre-hearing meeting is designed to acclimate the student organization to the campus conduct process. It includes familiarizing the student organization president with student organization rights and responsibilities, explaining the charge(s), hearing options, and options for consultation during the process.

This notification shall direct the student organization president to appear at a specified date, time and place not less than three (3) business days later. The letter shall also describe briefly the alleged violation(s).

G. PRE-HEARING MEETING AND HEARING OPTIONS

After completing a preliminary investigation, the Office of the Dean of Students may:

1. Find no basis for the complaint and dismiss the allegation as unfounded; or
2. Summon the student organization president for a conference, or,
3. Summon the student organization president for a pre-hearing meeting.

- If the student organization president fails to respond to a notification and the required pre-hearing meeting, they forfeit the option to request whether the case is heard administratively or by the SOCB. The student organization president will be notified by e-mail sent five (5) business days prior to a hearing before an administrative hearing officer or the SOCB.
4. Proceed administratively by informing the student organization president of the following options for resolution of the disciplinary charges during the pre-hearing meeting:
 - a. Disagree with the charge(s) and request a hearing before the SOCB. The SOCB is comprised of two (2) students currently serving on CCB (CCB), one (1) faculty member currently serving on Campus Conduct Board and two (2) student designees from the appropriate governing body from which the student organization is a member (governing bodies include: the Student Organization Committee, Sport Club Council, Graduate Student Association, Interfraternity, Panhellenic Council and National Pan-Hellenic Council). If the student organization is found to be responsible by the SOCB, appropriate sanctions will be determined.
 - b. Agree to the charge(s) and elect for the SOCB to determine appropriate sanctions.
 - c. Agree to the charge(s) and elect for an administrative hearing before the dean of students/designee to determine an appropriate sanction. The dean of students/designee may elect not to hear the case, in which case the matter would be heard by the SOCB. If the student organization is found to be responsible by the dean of students/designee, appropriate sanctions will be determined.
 - d. Agree to the charge(s) and request an immediate administrative “sanctioning” hearing which is conducted by the dean of students/designee to determine appropriate sanctions for an organization based on its acceptance of responsibility for the/all charge(s). The dean of students/designee may elect not to hear the case. The case would then be heard by the SOCB.

If the student organization president or designee fails to appear, all allegations against the student organization shall be deemed to be denied. When appropriate, sanctions will be determined and the student organization president will be notified by e-mail.

H. STUDENT ORGANIZATION RESPONSIBILITIES

Student organizations in the student conduct process have the following responsibilities:

1. To know and adhere to the *UNCW Code of Student Life*.
2. To be honest and complete in all information they provide in the process.
3. To attend all meetings or hearings in a timely manner.
4. To complete any imposed sanctions on time and consistent with the final decision in their case.
5. To participate in a manner that is civil and respectful.

I. STUDENT ORGANIZATION RIGHTS

All student organizations are entitled to the following rights prior to a student organization conduct hearing:

1. To a pre-hearing meeting with the dean of students/designee where rights, responsibilities and procedures are explained.
2. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be provided to the student organization president.
3. To review all available information, documents, and a list of witnesses that may testify against the organization. This is a continuing obligation of the dean of students/designee.
4. To choose an Administrative or SOCB hearing. (The dean of students/designee may elect not to hear the case. The case would then be heard by the SOCB.
5. To appear in person, hear all testimony and present any relevant information on the student organization’s behalf, call witnesses and ask questions of any witnesses at the hearing.
6. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the student organization's absence). A student organization that elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
7. To know the identity of witnesses testifying against them.

8. To a university advisor, licensed attorney or non-attorney advocate. While the licensed attorney or non-attorney advocate may participate to the same extent as the student organization's president, the university advisor may not actively participate in the hearing.
9. To refuse to answer any questions or make a statement – however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
10. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
11. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
12. To have one level of institutional appeal.

J. UNIVERSITY ADVISORS, LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES ([UNC Policy 700.4.1.1](#))

UNIVERSITY ADVISORS

Upon the request of the student organization president, the Office of the Dean of Students will appoint a university advisor to assist a student organization prepare for a hearing. The advisor may not speak on the student organization's behalf at the hearing. The advisor's role is to:

- a. Advise the student organization concerning the preparation and presentation of its case;
- b. Accompany the student organization to all conduct proceedings as requested by the organization; and
- c. Have access to all materials relating to the case as provided by the student organization.

LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES

Student organizations that have been accused of a violation of the *Code of Student Life* may be represented by a licensed attorney or non-attorney advocate during an administrative or SOCB hearing.

A student organization that elects not to appear at a hearing may not be represented by a licensed attorney or non-attorney advocate at the hearing.

When scheduling a student organization conduct hearing, the Office of the Dean of Students will make reasonable efforts to accommodate a licensed attorney or non-attorney advocate; however, the availability of students, witnesses, the designated administrator, board members and other necessary participants may take priority when determining the date and time of the hearing.

A student organization who chooses a licensed attorney or non-attorney advocate will be responsible for any expenses that may be incurred.

1. Requirements to Serve As A Licensed Attorney or Non-Attorney Advocate

In order for a licensed attorney or non-attorney advocate to represent a student organization in a conduct hearing, the student organization must provide the Office of the Dean of Students with the two (2) documents described below. These two (2) documents must be submitted within five (5) business days following the pre-hearing.

a. Notice of Representation

Student organizations that plan to have a licensed attorney or non-attorney advocate represent them during the conduct hearing must notify the Office of the Dean of Students in writing. This notification must include:

- i. The identity of the licensed attorney or non-attorney advocate;
- ii. Whether the individual is a licensed attorney or non-attorney advocate;
- iii. An address, telephone number and e-mail address where the licensed attorney or non-attorney advocate can be reached.

b. Certification by Licensed Attorney or Non-Attorney Advocate

Student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a conduct hearing must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

- i. *UNCW Code of Student Life*, and
- ii. Section [700.4.1](#) and Section [700.4.1.1](#) of the *UNC Policy Manual*.

2. Participation of Licensed Attorneys or Non-Attorney Advocates in Disciplinary Procedures

Consistent with the rules, policies or guidelines governing the university's conduct hearing, licensed attorneys or non-attorney advocates may fully participate in conduct hearings only to the extent afforded to the student organization they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt or otherwise interfere with a conduct hearing.

An attorney or other individual representing the university may participate in conduct hearing in which a licensed attorney or non-attorney advocate represents a student organization.

K. PROCEDURAL STANDARDS FOR ADMINISTRATIVE CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence, which will be introduced at the hearing. Any student organization charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by the administrative hearing officer; hearsay shall be admissible and any credible source, and documentary or testimonial shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious.
3. SOCB records are maintained in the Office of the Dean of Students. A written record of the proceedings and action taken will be filed with SOCB and the appropriate office responsible for the student organization (Office of Student Leadership and Engagement, Campus Activities and Involvement Center, Campus Recreation, etc.)
4. No administrative hearing officer who has a personal interest in the particular case may sit in judgment during the proceeding. If an administrative hearing officer refuses to recuse themselves due to a conflict of interest, the dean of students/designee will make the excusal decision. The student organization will also be given the opportunity to challenge an administrative hearing officer or official on these grounds. In such cases in which an administrative hearing officer cannot serve due to a conflict of interest, an administrative hearing officer may be appointed by the dean of students/designee to serve for the duration of the hearing.

L. ADMINISTRATIVE HEARING PROCEDURE

1. Prior to a hearing, the student organization is entitled to rights outlined in Section V-9-I.
2. If a student organization requests an administrative hearing before the dean of students/designee, the administrator will provide the student written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The student organization president may waive all or part of the five (5) business days written notice requirement. All waivers shall be submitted in writing to the Office of the Dean of Students.
3. Administrative conduct hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension, the student organization is entitled to the following:
 - a. A written notice of the charge(s), including possible sanctions.
 - b. Review of all available information, documents and exhibits.
 - c. A list of witnesses that may testify against the organization.
 - d. An outline of student organization rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the student organization receives notice of the referral, unless the student organization waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the student organization president and the dean/designee.
 - f. Written notice will be sent via e-mail to the student organization president.
5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.

6. The dean of students/designee shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. notify the student organization president in writing of the following:
 - i. The date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. The names of witnesses who may testify against the student organization.
 - iii. The charges against the student organization.
 - iv. The dean of students/designee may question a student testifying on the student organization's behalf or question the members of the student organization if they testify on behalf of the student organization.
7. If a student organization chooses to present witness testimony at an administrative hearing it is the student organization's responsibility to notify the witness(es) of the day, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
8. If the student organization fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the student organization's absence, as has been outlined.
9. A final administrative decision will normally be determined immediately, but must be determined within ten (10) business days after the date of the hearing. The case resolution form (also known as the "decision of hearing") will be presented to the student organization in writing.

M. STUDENT ORGANIZATION CONDUCT BOARD (SOCB)

1. The SOCB is activated when a student organization requests a hearing before the SOCB or if a case is referred by the dean of students/designee. The associate vice chancellor for student affairs/designee serves as the advisor to SOCB. The members are:
 - a. Two (2) students currently serving on CCB.
 - b. One (1) faculty member currently serving on CCB.
 - c. Two (2) student designees from the appropriate governing body from which the student organization is a member (appropriate governing bodies are Student Organization Committee, Sport Club Council, Graduate Student Association, Interfraternity, Panhellenic Council and National Pan-Hellenic Council).
2. The dean of students/designee will select and train SOCB members and chair.
3. A fully comprised board constitutes a quorum.
4. Jurisdiction of SOCB
 - a. SOCB may have, at the request of a student organization or the dean of students/designee, original jurisdiction in student organization conduct cases.

N. PROCEDURAL STANDARDS FOR SOCB CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence, which will be introduced at the hearing. Any student organization charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by the SOCB; hearsay shall be admissible and any credible source, and documentary or testimonial shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious.
3. SOCB records are maintained in the Office of the Dean of Students. A written record of the proceedings and action taken will be filed with SOCB and the appropriate office responsible for the student organization (Office of Student Leadership and Engagement, Campus Activities and Involvement Center, Campus Recreation, etc.)
4. No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to recuse themselves due to a conflict of interest, the dean of students/designee will make the excusal decision. The student organization

will also be given the opportunity to challenge a committee member or official on these grounds. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the vice chancellor/designee to serve for the duration of the hearing.

O. STUDENT ORGANIZATION CONDUCT BOARD HEARING PROCEDURE

1. Prior to a hearing, the student organization is entitled to the rights outlined in V-9-I.
2. If a student organization requests a SOCB hearing, the dean/designee will forward written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The student organization may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
3. SOCB hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension the student organization is entitled to the following:
 - a. A written notice of the charge including possible sanctions.
 - b. Review of all available information, documents, exhibits.
 - c. A list of witnesses that may testify against the organization.
 - d. An outline of student organization rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the student organization president receives notice of the referral, unless the student organization president waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the student organization president and the dean/designee.
 - f. Written notice will be sent via e-mail.
5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
6. The dean of students/designee shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the student organization president in writing of the following:
 - i. The date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. The name of the person appointed to serve as chairperson of SOCB.
 - iii. The names of witnesses who may testify against the student organization.
 - iv. The charges against the student organization.
 - v. The dean of students/designee may question a student testifying on the student organization's behalf or question the members of the student organization if they testify on behalf of the student organization.
7. A student organization president may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing may be allowed. SOCB, with good cause, may postpone or continue the hearing and notify all interested persons of the new hearing date, time and place.
8. If a student organization chooses to present witness testimony at a SOCB hearing it is the student organization's responsibility to notify witness(es) of the date, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
9. If a student organization fails, without good cause, to comply with the letter sent under this section, the dean of students/designee may proceed with the hearing in the student organization's absence, as has been outlined.
10. SOCB shall proceed generally as follows during the hearing:
 - a. SOCB chairperson states the hearing is closed to the public.
 - b. The chairperson of SOCB informs the student organization president of their rights and asks the student organization president whether they agree or disagree to the charge(s) before SOCB.
 - c. The university presenter presents the university's case and may call witnesses.
 - d. The student organization president and the SOCB may question the university presenter and/or each witness called.

- e. The student organization president presents their case and may call any witnesses they have present.
 - f. The university presenter and the SOCB may question the student organization president and/or each witness called.
 - g. The university presenter and the student organization president present rebuttal evidence and final statements. Both the university presenter and the student organization president may make closing statements.
 - h. SOCB deliberates in a closed session and decides the issue of responsible or not responsible for each charge.
 - i. If the SOCB finds the student organization not responsible for all charges, the hearing is concluded.
 - j. If SOCB finds the student organization responsible for one or more charges, the university presenter and student organization president may present evidence and argument on an appropriate sanction.
 - k. If SOCB finds the student organization responsible, the university presenter will indicate whether the student organization has any prior findings of responsibility for conduct violations.
 - l. SOCB deliberates in a closed session and determines appropriate sanctions.
 - m. SOCB renders a written decision as to whether they find the student organization responsible or not responsible for the charge(s). The decision states the sanction, if any, and the right to appeal. The student organization president and university presenter shall each be given a copy of the decision. A final SOCB decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the student organization president in writing. This will generally occur immediately following the hearing, however may take up to five (5) business days.
11. The student organization conduct file consists of:
- a. The original referral.
 - b. All correspondence directed to the student organization president.
 - c. All material presented to, or considered by, the SOCB.
 - d. The official case resolution form (also known as the “decision of hearing”).
 - e. Appeal documentation submitted, if any.

P. APPEAL PROCEDURE

The student organization president may submit an appeal to the vice chancellor for student affairs. An “Intent to Appeal” must be filed with the Office of the Dean of Students within two (2) business days after notification of the original decision. The “Request for Appellate Consideration Form” must be submitted within five (5) business days after notification of the original decision. Notification is defined as the date the case resolution form (also known as the “decision of hearing”) is given to the student organization president in person, or the date stamp of the e-mail sent to the student organization president. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student organization’s appeal. Original sanctions (with the exception of summary suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

- 1. Procedure
 - a. The function of the vice chancellor for student affairs/designee in reviewing an appeal is that of checking the action of the administrative hearing officer or SOCB to determine if:
 - i. An alleged violation of the rights guaranteed the student organization has occurred;
 - ii. The sanction is too severe for the violation; or
 - iii. New evidence has developed which has bearing on the outcome.
 - b. Upon receiving a petition, the vice chancellor for student affairs/designee shall obtain the record of the administrative hearing officer/SOCB. Such record shall include relevant documents, the case resolution form (also known as the “decision of hearing”), case summary, and rationale for supporting the decision.

- c. With this information, the vice chancellor/designee shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of a decision regarding whether the appeal will be heard within ten (10) business days after receipt of the petition. Reasonable extensions of time may be allowed.
- d. If the vice chancellor for student affairs/designee determines that an Appellate Review is granted, the Review shall be held within (5) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the student organization president of the organization's rights (as outlined in Section V-9-I).
- e. The vice chancellor for student affairs/designee will review all written correspondence associated with the case, may request additional documents and information from the hearing officer/SOCB, and may invite the student organization president, the original administrative hearing officer/SOCB member(s), and such other persons as deemed appropriate to appear to make statements and respond to questions.
- f. After the Appellate Review is concluded, the vice chancellor for student affairs/designee will make a final decision which will be communicated to the student organization president within two (2) business days.
- g. The vice chancellor for student affairs/designee has the authority to approve, reject or modify the decision in question consistent with this *Code* or send the appeal to the SOCB for review (if the original decision was made by an administrative hearing officer) or remand the case back to the same SOCB (if the original decision was made by SOCB).

Q. COMMITTEE ON EXTRAORDINARY DISCIPLINARY EMERGENCIES

For serious or complex cases, the university reserves the right to assign conduct cases to the Committee on Extraordinary Disciplinary Emergencies (see Section II-6).

R. AUTHORIZED DISCIPLINARY SANCTIONS

Range of sanctions includes, but are not limited to:

Written Warning – is a status of warning at least through the end of the next full semester, which terminates automatically when the imposed period expires.

Disciplinary Probation – is a status of probation for typically no less than one year which terminates automatically when the imposed period expires provided the organization has made any additional requirements made by the sanctioning body associated with their case. An organization placed on disciplinary probation is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities..

As part of disciplinary probation, an organization may have restrictions placed on specific privileges as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probationary period. In the event of a further violation of university policy or other applicable rules while on disciplinary probation, the university will seek the penalty of suspension (or extended suspension or permanent revocation of recognition as an organization at UNCW for organizations already under suspension status).

Suspension: Withdrawal of student organization registration status for a specified period of time and carries with it conditions which must be met for re-registration.

Re-registration after a suspension period requires that the organization apply to the associate vice chancellor/dean of students at the close of the imposed period, and the Dean will determine whether the organization has met the conditions imposed and is otherwise eligible for re-registration. A denial may be appealed to the vice chancellor for student affairs.

Social Probation: Prohibits a student organization from hosting or attending social events, with or without alcohol for a time period no less than eight weeks from notification of the final decision of

a conduct review. Social events include, but are not limited to, parties, mixers, date parties, formals and semi-formals.

Restitution: As part of the disciplinary process, SOCB or the administrative hearing officer may impose specific conditions (e.g., requirement of student organization to reimburse for damage or destruction or misappropriation of university property or property of any person, and restitution in the form of appropriate service to be performed). Reimbursement may take the form of appropriate service for repair or otherwise compensate for damages.

The university reserves the right to impose other educational sanctions appropriate to the offense(s).

S. DISCIPLINARY RECORDS

Records of all student organization conduct cases will be maintained by the Office of the Dean of Students, and are not protected by the Family Educational Rights and Privacy Act (FERPA).

SECTION VI

USE OF UNIVERSITY FACILITIES

The university permits the orderly use of facilities by registered student organizations (RSOs) to further the educational process. RSOs desiring to use a university facility must comply with certain university policies and procedures so that institutional property may be protected and that the facility use is consistent with this designated intent. A “facility” is defined to include a classroom, lecture hall, housing and food service facilities, auditorium, Campus Life facilities, other buildings, and outdoor areas of campus. University-sponsored activities shall be given priority in the use of facilities over non-university groups or individuals.

Non-university individuals or groups that are not sponsored by a RSO or other university-related group are subject to (i) [Policy 02.340 Freedom of Expression by Non-Sponsored, Non-University Sponsored Individuals or Groups](#), which is reprinted in the *Code of Student Life*, (ii) Section VI-5, Solicitation, and (iii) [Policy 02.140 Facilities Use](#) and its accompanying [Procedures](#).

VI-1 RESERVING SPACE

- A. Generally, RSOs and other university-related groups that desire to utilize facility space must obtain permission from appropriate university officials.
 - 1. Students who desire to form a new organization will be permitted limited use of university facility space for organizational meeting purposes only after filing an Intent to Register form with the Campus Activities & Involvement Center (see Section V-3).
 - 2. Outdoor activities conducted in accordance with Section VI-3-C generally do not require advance permission or reservation, except when a booth or table is required.
 - 3. Additional requirements related to scheduled events, such as food service, are contained in [Policy 02.140 Facilities Use](#) and its accompanying Procedures.
- B. RSOs and other university-related groups may utilize facilities when sponsoring political and religious activity, in accordance with these procedures and Section VI-4, Political and Religious Activity.
- C. The Campus Life Reservation & Event Services staff is responsible for facilities information and maintaining a listing of contact officials for the reservation of university facilities. Please refer to this link <http://www.uncw.edu/reservations/contact.html> for contact offices and reservation information.
- D. An RSO or individual student who wishes to reserve one of the university facilities listed above should contact the office identified. Procedures for the use of facilities identified above can be reviewed in each responsible office.
- E. Any peaceful assembly, protest or demonstration organized or sponsored by a RSO where 50 or more people are expected to participate, or where amplified sound will be used, must be registered with the Office of the Dean of Students prior to the event. Whenever possible, at least 48 hours lead time should be given to allow the university adequate time to assess the need for, and arrange, security. However, this provision is not intended to limit the ability of students to

engage in peaceful assembly, protest, silent distribution of literature or other similar activity when such lead time is not possible.

- F. If a request for use of a facility is not approved, the applicant will be given a statement of reasons for denial.
- G. Appeal of adverse decisions for use of university facilities may be made to the Space Scheduling and Use Committee, which is composed of designees of the vice chancellors for academic affairs, business affairs and student affairs. The Space Scheduling & Use Committee, subject to approval of the chancellor, shall have authority to make exceptions or revisions to policies and procedures regarding facilities use by RSOs and other university groups.

VI-2 OFF-LIMITS PROPERTY

The eastern section of campus includes areas that are undeveloped and intended for use only by authorized personnel. This section of campus, and any other areas of campus marked with “no trespassing” signs, may not be used or accessed other than by authorized personnel and/or university sponsored academic or recreational activities.

VI-3 REGULATIONS REGARDING PETITIONS, HANDBILLS, SIGNS, POSTERS, BULLETIN BOARDS, BOOTHS, BANNERS AND OTHER PROMOTIONAL DISPLAYS

A. Generally

- 1. In this section, “sign” includes billboard, decal, notice, placard, poster, banner or any kind of hand-held sign, and “posting” is defined as any means used for displaying a sign. A sign may not be:
 - a. Attached to a shrub or plant; a tree; a permanent sign installed for another purpose; a fence or chain or its supporting structure; a brick, concrete or masonry structure; a sanctuary, monument or similar structure; or
 - b. Posted on or adjacent to a fire hydrant; on or between a curb and sidewalk; or in a university building, except on the bulletin board as provided in Section VI-B-1; or
 - c. Placed on windshields of vehicles on campus.
- 2. No signs, chalking, spirit rock messages, or publicly distributed materials shall contain obscene, or libelous material, nor should any material be posted or distributed which contains information in violation of any federal, state or local law or seeks unauthorized solicitation. Posted, written, or distributed materials or information involving the marketing and commercial advertising of alcohol must be in accordance with the marketing practices described in University Policy 05.304, Statement of Principles Regarding the Marketing of Alcoholic Beverages. For example, such advertising should avoid reference to drink specials, graphics or pictures depicting the use of alcohol, and terminology that promotes excessive alcohol consumption, such as “bash,” “\$.25 drafts,” etc.

B. Posters, notices, and other signs

- 1. Locations

Posters, notices, and other posted signs must be placed on bulletin boards designated for that purpose, which are located throughout the campus. All bulletin boards or other means of posting materials are under the jurisdiction of the college, school, department or administrative office that maintains them, which may enforce size limitations for posted materials.
- 2. Postings and signs must be dated with the day of posting and normally should not remain beyond 14 days.
- 3. Postings should not be placed over existing postings; however, outdated material (over 14 days old) may be removed to make room for upcoming events or following final exam weeks.

C. Distribution of petitions, handbills, and other materials

- 1. Distributors of materials must not obstruct traffic, harass or interfere with passersby, block entrances, disturb others with excessive noise, litter premises or disturb or interfere with academic or institutional activities.

2. Generally, the distribution of materials in accordance with this section does not require advance registration, with the exception that Registered Student Organizations and other university-related groups should reserve a booth or table prior to distributing materials in or around any of the Campus Life facilities. Booths/tables can be reserved through the Campus Life Events & Reservations office.
3. Individual students who wish to distribute materials that does not involve the use of a booth/table do not need prior approval.
4. Any activity or distribution of material that qualifies as a “solicitation” must conform to Section VI-5, Solicitation.

D. Banners

1. Permissible locations for posting banners:
 - a. Fisher University Union – outside – north side poles; inside – designated locations (2);
 - b. Fisher Student Center – designated locations inside (3);
 - c. Chancellor’s Walk – near Osprey Hall;
 - d. Wagoner Dining Hall outside – west entrance poles; and
 - e. Residence Life Recreation Field – poles (near softball field).
 - f. In locations where poles are designated, the poles must be used.
 - g. Banners may not be hung on the water tower or clock tower.
2. Approval
All banners must be approved by staff in the Campus Activities & Involvement Center or the Office of the Dean of Students. If banners are not properly approved, they will be taken down. Student organizations are responsible for removing banners within 24 hours after the event or after seven (7) days of posting, whichever comes first.

E. Chalking

1. Locations
Chalking is permitted on campus concrete, horizontal sidewalks that are exposed to rain only (no chalking on any brick, asphalt or other surface). Chalking is NOT permitted:
 - a. on any vertical surfaces or under any porch coverings that would block exposure to rain;
 - b. in the Commons Amphitheater (as this is a reservable space);
 - c. in the Student Recreation Center Courtyard (front entrance); or
 - d. on the sidewalks or parking areas around the Hoggard Lawn area, including all sides of James, Alderman and Hoggard halls.
2. Approval
Chalking areas are not reservable spaces, and messages do not need to be pre-approved. These spaces are available on a first-come, first-served basis.
3. Only washable chalk is permitted; aerosol “spray-on” chalk is not allowed anywhere on campus. Adhesives and/or sealants (e.g., spray adhesive, hairspray, etc.) may not be used on chalking. Removal of any prohibited substances, and any costs incurred by the university to remove such substances, shall be the responsibility of the person or group who used them.

F. Spirit Rocks

- G. There are two Spirit Rocks on campus: (1) near the Campus Recreation Center on Walton Drive; and (2) in front of the Fisher University Union. These are available for UNCW organizations and UNCW students, faculty, and staff to share their messages. The Spirit Rocks are not reservable spaces, so they are available on a first-come, first-served basis. Out of courtesy, UNCW student organizations and UNCW students, faculty, and staff are encouraged to allow message to remain on the rocks for 24 hours before painting over them.

VI-4 POLITICAL AND RELIGIOUS ACTIVITY

- A. UNCW may host candidates for public appearances or debates. Single party appearances are permitted on campus provided they are sponsored by a registered student organization and all expenses related to the event, if any, are paid by the candidate, political organization, or student organization. Otherwise, university facilities may be used for political events in compliance with the University’s Facility Use Policy.

- B. Registered student organizations and other student groups associated for religious purposes may sponsor religious activities on university property with a person or group of persons who are not students, faculty or staff members.
- C. Facilities and outdoor space may be reserved in accordance with Section VI-1, Reserving Space.

VI-5 SOLICITATION POLICY

A. Definition

“Solicitation” means the sale, offer for sale, or sales promotion of any property or service and/or the receipt of or request for any gift or contribution.

B. Who May Solicit

1. No solicitation shall be conducted in any building or structure, or on the grounds, sidewalks or streets of the UNCW campus, or by electronic means directed to UNCW faculty, staff, and/or students, except by:
 - a. The agents or employees of the university acting in the official capacity of their agency or employment;
 - b. Student government and/or registered or provisional student organizations; or
 - c. Officially sanctioned external vendors contracted through the Reservation and Events Services Office, in accordance with this section.
2. Non-university groups or individuals, which include external vendors and local businesses, are prohibited from engaging in solicitation unless contracted through the Reservation and Events Services Office.
3. For rules on solicitation in residence halls, apartments, and suites, see the [Campus Living Handbook & Policies](#).

C. Conducting Solicitations

1. Student organizations and their affiliated groups may solicit only with the written approval of the Campus Activities & Involvement Center. A properly completed solicitation form and compliance agreement must be submitted to the Campus Activities & Involvement Center at least seven (7) calendar days before the event.
2. The university reserves the right to limit the type of fundraiser that organizations are permitted to conduct on campus. Fundraising is a privilege granted to RSOs and therefore those privileges may be limited in type or scope. For example, credit card solicitation is not permitted.
3. External vendors (including local businesses) are not permitted to solicit on behalf of student organizations, unless officially sanctioned and contracted through the Reservation and Events Services Office.
4. Upon receipt of a solicitation form and compliance agreement, approval to solicit will be granted under the following conditions:
 - a. The primary purpose of the sales or contributions will be to raise money for the benefit of the organization or for verified charitable causes.
 - b. All solicitation will be conducted by and only by members of the approved organization. This requires the presence of an organization member at all times during the activity.
 - c. Charitable fundraising campaigns conducted on campus by individuals, registered student organizations, or non-student campus groups must be in compliance with N.C.G.S. Chapter 131F, Solicitation of Contributions.
 - d. Solicitations must be conducted in space approved by the appropriate facilities manager, which is limited to: (1) Campus Life facilities and surrounding grounds, (2) Wagoner Hall, (3) mall area outside Wagoner Hall, and (4) Brooks Field. Other areas may be designated in special circumstances as determined by the dean of students/designee. Booths/tables may be reserved through the Campus Activities & Involvement Center.
 - e. Registered student organizations funded by the Student Government Association are required to provide a financial statement to the Student Government Association regarding the conduct of sales within five (5) class days of the completion of the event.
5. Solicitation must be conducted in such a way that will not:

- a. Disturb or interfere with the regular academic or institutional programs being conducted on the campus; Interfere with the free and unimpeded flow of pedestrian or vehicular traffic or sidewalks, streets or entrances to campus buildings or common areas of campus buildings; or
 - b. Harass or intimidate the person or persons being solicited.
6. Registered student organizations may solicit local vendors or merchants for donations only with prior approval from both the Campus Activities & Involvement Center and University Advancement. Students should make it known that they are only representing their respective organization and are not acting in any official capacity for the university.
7. Activities authorized by the university administration involving the sale of goods or services including, but not limited to, activities of the University Bookstore personnel and representatives of education-supply firms, are exempt from this policy.

D. Dues, Fees, and Ticket Sales

1. Registered student organizations of the institution may collect membership fees or dues at meetings of such organizations scheduled in accordance with the facilities use regulations outlined in this section.
2. There may be a collection of admission fees for an exhibition of films or other programs that are sponsored by the university, a recognized faculty group or a registered student organization and are scheduled in accordance with the facilities use regulations in this section.
3. Regulations for on-campus ticket sales are as follows:
 - a. An organization selling tickets through the box office in the Fisher Student Center shall have all monies received from ticket sales deposited in a regular university account by Campus Life staff.
 - b. Student organizations funded by the Student Government Association shall file with the Student Government Association a final report reconciling sales of tickets and names of recipients of complimentary tickets with all unused tickets.
 - c. All activities involving university funds or services are subject to university and state audit.
 - d. An organization shall consult with the Campus Activities & Involvement Center regarding fund-raising events. Tickets for fund-raising events shall indicate admission price, sponsoring organization and be pre-numbered, unless they reserve specific seats for specific performances.

E. Raffles

1. A raffle is a lottery in which a prize is won by a random drawing of the name or number of one or more persons purchasing chances.
2. Registered student organizations must hold tax-exempt status if planning to hold a raffle. In order to gain tax-exempt status, the organization must write a letter to the North Carolina Department of Revenue requesting tax-exempt status. Sample letters are available in the Campus Activities & Involvement Center in the Fisher Student Center room 2029. Student organizations are NOT authorized to hold a raffle unless they have received a letter from the State of North Carolina indicating their tax-exempt status. A copy of this letter must be kept on file in the Campus Activities & Involvement Center in the student organization's folder.
3. External vendors, non-university groups, and individual persons may not hold a raffle, or conduct ticket sales for raffles, on campus or by electronic means.
4. Tax-exempt student organizations conducting raffles must abide by N.C. General Statute § 14-309.15, which includes the following rules:
 - a. The student organization sponsoring a raffle must contact the Reservation & Event Services Office ten (10) calendar days prior to the event in order to begin an Event Registration Form.
 - b. A student organization may sponsor only two raffles per year. The total cash prizes offered or paid by any organization or association may not exceed one hundred twenty-five thousand (\$125,000) dollars in any calendar year.
 - c. No less than ninety percent (90%) of the net proceeds of a raffle shall be used by the non-profit organization or association for charitable, religious,

educational, civic or other nonprofit purposes (meaning only 10% of the proceeds can go toward other items such as raffle expenses).

- d. No alcoholic beverages may be raffled.
- e. No person may be compensated for conducting a raffle.

For more information, contact Campus Activities & Involvement Center in the Fisher Student Center room 2029, by phone at 910-962-3553, or via e-mail at activities@uncw.edu.

VI-6 APPEALS PROCEDURE

- A. The student organization or group aggrieved by a decision covered by this section of the *Code* is entitled to appeal to the Office of the Vice Chancellor for Student Affairs by giving written notice on or before the fifth class day after the decision is announced. The notice shall contain the student's or organization's name and mailing address, a concise description of the complaint, the reasons for disagreeing with the decision and the date the decision was announced.
- B. When notice of the appeal is received, the vice chancellor for student affairs shall delegate responsibility for hearing that appeal. The delegate shall provide the student organization with an opportunity for a hearing and the person or organization shall be notified at least one day before the date of the hearing.
- C. The student or the organization may petition the Student Organizations Committee (SOC) in writing, through the delegate, to review a decision which has been appealed. The vice chancellor for student affairs shall request SOC to review the appeal and make recommendations.

SECTION VII

CAMPUS LIFE FACILITIES - FISHER UNIVERSITY UNION, FISHER STUDENT CENTER, BURNEY CENTER, WARWICK CENTER, AMPHITHEATER & UNIVERSITY COMMONS

The Fisher University Union, Fisher Student Center, Burney Center, Warwick Center, Amphitheater and University Commons serve as focal points for campus life outside the classroom, enhancing the university's mission to offer a well-rounded educational experience to its students. The facilities provide meeting space, study areas, recreational space, performance venues, space for student organization offices, various student service offices, the services of a post office, the University Information Center, University Bookstore, Passport Office, banking machines, food service and art gallery spaces.

VII-1 CAMPUS LIFE ADVISORY BOARD

The purpose of the Campus Life Advisory Board is to act in an advisory capacity to the Executive Director and staff of Campus Life in matters regarding the management and operation of Campus Life spaces. The board shall operate and report to the vice chancellor for student affairs through the associate vice chancellor for student affairs and executive director of campus life.

The board will be comprised of ten (10) voting members and designated non-voting, ex-officio members. All appointments shall be approved by the associate vice chancellor for student affairs. shall be appointed for a one-year term. The full board will meet approximately two (2) times per semester during the academic year. Whenever possible, meeting agendas will be distributed prior to each meeting, with the Director of Conferences, Events and Reservations serving as convener. Decision-making will be by consensus whenever possible or by simple majority voting if necessary. The Campus Life staff will provide information on the Campus Life Advisory Board in its annual report.

A. MEMBERSHIP

Members shall be appointed by the Executive Director of Campus Life and approved by the Associate Vice Chancellor of Student Affairs to ensure representation and interaction among various students. Every member shall be a currently enrolled graduate or undergraduate student who is in

good academic and disciplinary standing at UNCW at the time of his/her appointment and throughout his/her term. A voting member shall have been a student at UNCW for one semester (two summer sessions will be considered one semester), prior to his/her appointment.

The ten (10) voting members shall consist of:

1. Ten (10) students appointed for one year terms:
 - a. The president of the Student Government Association (SGA) or designee.
 - b. The president of the Association for Campus Entertainment or designee.
 - c. The president of the Residence Hall Association or designee
 - d. The president of the Graduate Student Association or designee.
 - e. One student appointed by Student Media Board.
 - f. One commuter student appointed by the Office of the Dean of Students.
 - g. One student appointed by the leadership of Fraternity & Sorority Life community (IFC, NPC, NPHC).
 - h. One student appointed by Upperman African American Center.
 - i. One student appointed by Centro Hispano.
 - j. One student appointed by Mohin-Scholz LGBTQIA+ Resource Office.
2. Non-voting, ex-officio members include:
 - a. Executive Director of Campus Life
 - b. Director of Conferences, Reservations, and Event Services
 - c. AVC/Dean of Students
6. The Director of Conferences, Events, and Reservations, with the support of administrative staff, will serve as the recording secretary for the board. Staff support for the board will be provided by the Executive Director and other Campus Life staff members. To conduct business, quorum will consist of one third of the voting members of the advisory board. Any member of the advisory board may be removed by a two-thirds (2/3) vote of the voting membership. Circumstances necessitating removal may include missing three meetings of the board without excuse and notification to the convener or non-performance of duties.

B. FUNCTIONS AND RESPONSIBILITIES OF THE BOARD

1. The board meets approximately two (2) times each semester during the academic year. Meetings are scheduled at the beginning of each new semester.
2. During summer and/or breaks, the Director of Conferences, Events, and Reservations will convene an ad hoc committee of Board members who are available to provide input as needed.
3. The Board is advisory to the Executive Director in all aspects of Campus Life operation. The Board will be asked to consider such items as:
 - a. Review policies, procedures and practices.
 - b. Requests for exceptions to guidelines/policies for space use and other procedures in the Campus Life facilities.
 - c. Review of issues arising from the operations of these facilities, its programs and services.

VII-2 CAMPUS LIFE FACILITIES – POLICIES

A. USE OF FACILITIES

1. Facilities are reserved primarily for use by UNCW students, faculty and staff.
2. Executive Director of Campus Life or his/her representative is charged with determining whether the conduct of an individual or group is in compliance with university policies.

B. RESERVATIONS

1. Space in the Campus Life facilities can be reserved by a registered student organization, university department, faculty or staff member for university functions on a “first come, first served” basis. The Campus Life staff reserves the right to make substitutions in room reservations or move a group to another area subject to availability. Reservations can be made on-line at <https://events.uncw.edu/EmsWebApp/>.
2. The Reservation & Event Services staff must be notified of a cancellation no later than two (2) business days prior to the scheduled reservation. If a student organization or department

neglects to cancel a reservation, the group will receive a letter from the Campus Life administration office informing them of potential charges for future misuse policy. Personnel fees may still apply.

3. Campus Life reserves the right to bill any organization or group for damages or losses which result from the use or misuse of facilities or equipment, including charges for additional janitorial service over and above normal cleaning of the area used. Groups will be charged for time staff required outside normal operating hours of the facilities (e.g., building manager before or after hours, additional janitorial staff, etc.). Fees will also apply when technical services assistance is given.
4. Catering arrangements can be made through Campus Dining by contacting the catering office at catering@uncw.edu.
5. Any decorations used must be approved by Campus Life prior to the event date. Nothing shall be attached to the walls. All materials used at any event must be removed at the conclusion of the program. Use of candles in rooms must be approved by the Campus Life staff.
6. Campus Life will not be responsible for any losses or injuries suffered by any person as a result of a room reservation and/or the activities of the reserving organization.

C. SMOKING AND USE OF E-CIGARETTES

The University of North Carolina Wilmington is a smoke-free campus as it applies to all academic, student support and residential buildings. This means that smoking and use of electronic or vaporized cigarettes is not permitted in Campus Life facilities at any time. Further, there is a 25 foot “no smoke zone” at all Campus Life building entrances. Violators of the smoke-free guidelines will be held accountable for their actions in the student conduct system.

Students found in violation of this policy will be fined at least \$25.00 for their first instance and \$50.00 for each subsequent violation.



(most current version of university policies can be found online at:
<http://www.uncw.edu/policies>)

UNLAWFUL DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY 02.205

I. PURPOSE

The university promotes a learning, working, and social environment where all members of the campus community interact in a mutually respectful, professional, and fair manner. The university is committed to ensuring a workplace and academic environment free of unlawful discrimination, harassment, and sexual misconduct, as these behaviors may create a risk to health, safety or wellbeing, cause serious emotional distress, loss of productivity and morale, and potential legal risks.

II. SCOPE

- A. This Policy applies to the prohibited conduct described in Section IV and includes acts communicated physically, verbally, in print, electronically or through other means by or against students and employees. The category of “employees” includes all SHRA and EHRA employees, including those who are in assignments that are full-time, part-time, probationary, non-career status, adjunct, and temporary.
- B. This Policy does not apply to protected speech, reasonable criticisms of work, fair and justified feedback, evaluations, or disciplinary actions deemed unfounded by Human Resources. This Policy applies only to behavior that a reasonable person would view as violating the rights of another.
- C. SHRA employees, former employees, and applicants for employment seeking to grieve unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation, if the individual believes that he or she has been discriminated against in the terms and conditions of employment, must follow the procedures in [Policy 08.520 SHRA Employee Appeals and Grievances](#). EHRA employees or former employees seeking to grieve unlawful discrimination when an adverse employment action is taken must follow the procedures in [Policy 08.521 EHRA Review and Appeal Procedures](#).
- D. The university will respond promptly to all complaints of unlawful discrimination, harassment, and sexual misconduct. When necessary, the university will institute discipline against the offending individual, which may result in a range of sanctions. For SHRA employees, disciplinary actions are explained in [Policy 08.510 SHRA Disciplinary Action, Suspension, and Dismissal](#). For EHRA employees, actions may include, but are not limited to: warning/reprimand, suspension without pay, demotion, or dismissal. For faculty, sanctions include those listed in the [Faculty Handbook](#). For students, sanctions include those listed in the [Code of Student Life](#).
- E. The university considers the filing of intentionally false reports of prohibited conduct as a violation of this policy and grounds for appropriate disciplinary action.

III. CONFIDENTIALITY

A. Generally

The university shall protect the privacy and confidentiality of reporting individuals and individuals who are alleged to have discriminated or harassed, to the extent allowed by law. However, once a university official has actual knowledge of allegations that may be serious enough to constitute a violation of this Policy, the university’s legal obligations require it to investigate under the procedures described below. If an individual requests complete confidentiality and does not want such an investigation, he or she should consult with individuals who by law have special professional status, such as mental health counselors, physicians, clergy, or private attorneys. Additionally, in accordance with [Policy 08.420](#), employees may pursue a confidential self-referral to the Employee Assistance Program.

B. Sexual Misconduct Victims

- 1. If a victim of sexual misconduct prefers that the details of an incident be kept confidential, they can speak to professional staff in the following offices:

- UNCW Collaboration on Assault Response & Education (CARE) (*for students and employees*)
- UNCW Counseling Center (*for students only*)
- Abrons Student Health Center (*for students only*)
- Employee Assistance Program (*for employees only*)

Additionally, the Rape Crisis Center, Domestic Violence Shelter and Services and campus ministers will honor confidentiality. Confidential resources may need to share otherwise confidential information in a situation where an imminent danger to a victim or another individual exists in the opinion of the professional staff or administrator. In addition, all university resources are required by North Carolina law to report abuse or neglect upon a child or any disabled person and to report non-identifying statistical information as required by the Clery Act.

Public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the victim initiates a complaint with an appropriate campus official.

Research involving human subjects (which requires approval by UNCW’s Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this Policy may be disclosed by a research subject as part of participation in that research. Notwithstanding Section V.A.3 of this Policy, researchers involved in the research shall not report the incident to the Director of Title IX and Clery Compliance.

IV. PROHIBITED CONDUCT

A. Discrimination

1. Discrimination constitutes any unlawful distinction, preference, or detriment to an individual as compared to others that is based on one of the characteristics protected by federal law, state law or university policy, as listed in [Policy 02.230 Equal Opportunity and Affirmative Action](#). Those protected characteristics include race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs.
2. Students will be held to the standards of discriminatory conduct as defined in the [Code of Student Life](#), Section II-1-B.
3. Conduct based on a protected characteristic as defined above will constitute discrimination when it is sufficiently serious to unreasonably interfere with or limit:
 - a. An employee’s or applicant for employment’s access to employment or conditions and benefits of employment;
 - b. A student’s or applicant for admission’s ability to participate in, access, or benefit from educational programs, services, or activities;
 - c. An authorized volunteer’s ability to participate in volunteer activity; or
 - d. A guest’s or visitor’s ability to participate in, access, or benefit from the University’s programs.

B. Unlawful Harassment

1. Unlawful harassment can take the form of a variety of actions founded on one of the characteristics protected by federal law, state law or university policy, as listed in [Policy 02.230 Equal Opportunity and Affirmative Action](#). Those protected characteristics include race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational

qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. Students will be held to the standards of harassing conduct as defined in the Code of Student Life, Section II-1-B.

2. Unlawful harassment is a form of discrimination and can consist of:
 - a. Quid pro quo harassment, which consists of unwelcome conduct based on a protected characteristic when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic standing or receipt of a needed or legitimately requested university service or benefit; or
 - ii. Submission to, or rejection of, such conduct by an individual is used as a basis for decisions affecting such individual in matters of employment, employment decisions, academic decisions (such as grades) or receipt of a needed or legitimately requested university service or benefit.
 - b. Hostile environment harassment, which consists of unwelcome conduct based on a protected characteristic when:
 - i. Such conduct is so severe, pervasive, and objectively offensive as to unreasonably interfere with an individual's work, academic performance, or living environment; or
 - ii. Such conduct is so severe, pervasive, and objectively offensive as to create an intimidating, hostile or offensive working, learning or living environment. Hostile environment harassment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct and its severity. A single, serious incident may be sufficient to constitute hostile environment harassment.

C. Sexual Misconduct

1. Definition of Terms

Acts of gender-based discrimination, harassment, and sexual misconduct, including dating violence, domestic violence, and stalking, will not be tolerated at UNCW. In order to provide a safe campus community within which all members are valued and respected, policies and procedures for addressing gender-based/sexual misconduct have been established in accordance with Title IX, VAWA, and other regulatory requirements and are detailed herein.

As a recipient of Federal funds, the university is required to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities. Title IX-related incidents are covered in a separate grievance policy at [02.210 Title IX Grievance Policy](#). For additional definitions and procedures applicable to alleged instances of student-on-student sexual misconduct, refer to [Policy 04.130 Student Gender-Based/Sexual Misconduct Policy](#). This policy covers other sexual misconduct not within the regulatory purview of Title IX and [02.210 Title IX Grievance Policy](#). Sexual misconduct, as defined in this policy, is a form of sex discrimination and can include gender-based misconduct, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking. All such forms of misconduct are referred to generally as "gender-based/sexual misconduct" throughout this policy.

State law defines various violent and/or non-consensual sexual acts as crimes. Title IX further defines a limited number of sexual misconduct for coverage under the regulatory framework. Additionally, UNCW has defined categories of sexual misconduct, as stated below, for which disciplinary action under this policy may be imposed. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual misconduct occurs when sexual acts are attempted or committed without consent and/or by force, threat, coercion, or pressure, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

CONSENT

The definition of consent is central to the recognition of both sexual assault and sexual misconduct. The university defines consent as mutually voluntary permission to engage in sexual activity demonstrated by clear actions and/or words. This decision must be made freely, consciously, knowingly and actively by all participants, as shown by the totality of the circumstances.

Intoxication is not an excuse for failure to obtain consent.

Silence, passivity, acquiescence, or lack of active resistance does not constitute or imply consent on its own.

Previous participation in sexual activity, however recent, does not indicate current consent to participate, and consent to one form of sexual activity does not imply consent to another form of sexual activity.

Consent can be withdrawn at any time.

Consent has *not* been obtained in situations where the individual:

1. is forced, coerced (defined as a unreasonable amount of pressure), manipulated, or has reasonable fear as the result of a threat (such as, the individual or another will be injured if the victim does not submit to the act); or
2. is incapacitated by alcohol, other drugs, sleep, etc. Because consent must be given consciously, sexual activity is prohibited with someone one knows to be, or should know to be, incapacitated. Incapacitation means the individual cannot make rational, reasonable and informed decisions; or
3. has a mental or physical disability which inhibits or precludes his/her ability to give knowing consent.

In North Carolina, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor willingly engaged in the act.

OFFENSES:

The 2020 Title IX Regulations enact prescriptive standards for jurisdiction, and in particular, only covers offenses that happen during an “education program or activity,” which includes locations, events, or circumstances over which the university exercises substantial control that are within the United States. However, this policy and others may cover off-campus conduct when it implicates and impacts UNCW affiliates. Therefore, this policy covers off-campus sexual misconduct, including those offenses that may otherwise meet Title IX definitions but for geographic restrictions. Those offenses include:

- a. **Non-Consensual Sexual Intercourse** is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- b. **Non-Consensual Sexual Contact** is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- c. **Dating Violence**
Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a

relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

d. **Domestic Violence**

Domestic violence is defined as a felony or misdemeanor crime of abuse or violence committed by:

- i. a current or former spouse of the victim;
- ii. a person with whom the victim shares a child in common; and/or
- iii. a person who is cohabitating with or has cohabitated with the victim as a spouse.

Dating and domestic violence include, but are not limited to, sexual or physical abuse or the threat of such abuse.

The state definition of domestic violence can be found in [North Carolina General Statute § 50B-1](#), which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the University to address policy violations.

e. **Stalking**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Course of conduct" is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the following behaviors if they occur when it is known or reasonably should have been known that such behavior or one's presence is unwanted by a recipient:

- i. non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- ii. following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim; or
- iii. surveillance and other types of observation, whether by physical proximity or electronic means.

The state definition of stalking can be found in [North Carolina General Statute § 14-277.3A](#), which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the university to address policy violations.

OTHER FORMS OF SEXUAL MISCONDUCT

a. **Sexual Exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, in situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-consensual Sexual Intercourse or Non-consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- i. sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- ii. taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- iii. prostituting another employee or student;

- iv. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection;
- v. administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

b. Sexual Harassment

Sexual harassment is a form of sexual misconduct and is defined as any unwelcome conduct of a sexual nature. It may include, but is not limited to:

- i. unwelcome sexual advances;
- ii. requests for sexual favors; and/or
- iii. other verbal, non-verbal, or physical conduct of a sexual nature.

Sexual harassment may occur in a single incident, as well as in persistent behaviors. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser. There are two types of Sexual Harassment:

i. Hostile Environment

Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive such that it alters the conditions of education or employment, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint. The determination of whether an environment is “hostile” must be based on the totality of the circumstances. These circumstances may include, but are not limited to:

- the frequency of the conduct
- the nature and severity of the conduct
- whether the conduct was physically threatening
- whether the conduct was humiliating
- the effect of the conduct on the alleged victim’s mental or emotional state
- whether the conduct was directed at more than one person
- whether the conduct arose in the context of other discriminatory conduct
- whether the conduct unreasonably interfered with the alleged victim’s educational or work performance
- whether the statement falls under an existing exception to the First Amendment, such as true threats and intimidation
- whether the speech or conduct deserves the protections of academic freedom

ii. Quid Pro Quo

Quid pro quo sexual harassment exists when:

- i. there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- ii. submission to or rejection of such conduct results in adverse educational or employment action.

c. Intimidation

Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to:

- i. Threatening to commit a harmful or sexual act upon another person;
- ii. Stalking; or
- iii. Cyber-stalking.

d. Other civil rights offenses, when the act is based upon gender or sex

Other offenses include, but are not limited to:

- i. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class. Discrimination can also involve treating an individual less favorably because of his or her connection with an organization or group that is generally associated with people of a certain protected class.

- ii. Hazing, defined as acts, performed voluntarily or involuntarily, likely to cause physical or psychological harm or social ostracism to any person within the UNCW community, when related to the admission, initiation, pledging, joining or any other group-affiliation activity on the basis of actual or perceived membership in a protected class. Hazing is also illegal under North Carolina law.
- iii. Bullying/Cyberbullying. Any pattern of gestures of written, electronic or verbal communications, behaviors, or any physical act or any threatening communication that is threatening or intimidating which (i) places a person in actual and reasonable fear of harm to their person or damage to their property, or (ii) creates a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits, or a University student employee's ability to perform the essential functions of their job.

Violation of any other UNCW rules, when such violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class may be pursued using this policy.

D. Offenses under the *Code of Student Life*

The [Code of Student Life](#) lists offenses for which the Vice Chancellor for Student Affairs or designee may initiate disciplinary proceedings against a student, including those related to unlawful harassment and discrimination.

E. Retaliation

Retaliation against any person complaining of unlawful discrimination or sexual misconduct or against any person who is a witness to any prohibited conduct is strictly prohibited. Retaliation also qualifies as a violation of this Policy and is grounds for appropriate disciplinary action.

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, harassment, reprisal, interference, restraint, coercion or any other type of discrimination in response to an individual's complaint or participation in investigation or conduct processes.

V. REPORTING AND RESOLUTION

A. Reporting

The university encourages prompt reporting of all perceived violations of this Policy, regardless of who the alleged offender may be.

1. Sexual misconduct, sex-based harassment, or related retaliation

In addition to violating university policy, some instances of sexual misconduct may also constitute criminal activity. Victims are encouraged to inform law enforcement authorities about instances of sexual misconduct. The chances of a successful law enforcement investigation or of successfully obtaining a civil or criminal protective order through the court system are greatly enhanced if evidence is collected and maintained by law enforcement immediately following the crime. Victims experiencing these forms of sexual misconduct are similarly strongly encouraged to seek medical attention. Victims are encouraged not to bathe, douche, brush their teeth, drink, change clothing or even comb their hair before seeking medical attention. It is only natural to want to do so, but doing so may destroy physical evidence that could be needed later if charges are pursued. Even if one bathes or washes, evidence can still be collected at the hospital, preferably within 72 hours of an assault. If clothes are removed in that time frame, they should be placed in a brown paper bag and brought to the hospital or to law enforcement, depending upon which resource the victim has chosen to utilize. Evidence collection is not essential for pursuing assistance through any campus process, but there are still good reasons to maintain evidence and obtain medical treatment, such as to address the possibility of pregnancy, detect and prevent sexually transmitted infections, and to treat any physical injuries. Evidence collection and emergency treatment is available 24 hours a day at the local emergency rooms. The North Carolina Rape Victims Assistance Program and Crime Victims

Compensation Act cover most, if not all, medical costs related to rape. Law enforcement will be called to the hospital, but a victim is not obligated to talk to them.

Victims may inform law enforcement officers without making a criminal or university complaint. If a victim wishes to pursue criminal charges, they may contact UNCW Police at 910-962-2222, or emergency 911. UNCW Police can assist victims in identifying and contacting the appropriate law enforcement agency. Victims who make a criminal complaint may simultaneously pursue a university complaint. The university can assist victims in making a complaint to law enforcement officials. The university can also assist victims with obtaining a court ordered protective order as well.

a. Complaints against students

Employees and students seeking to make a complaint of sexual misconduct by a UNCW student should contact the university's Director of Title IX and Clery Compliance, an advocate in the Collaboration for Assault Response and Education (CARE) Office, University Police, and/or the Office of the Dean of Students. Reports may also be made online at <http://uncw.edu/titleix/>. Alleged student-on-student incidents of gender-based/sexual misconduct will be handled in accordance with [Policy 04.130 Student Gender-Based/Sexual Misconduct](#) or [02.210 Title IX Grievance Policy](#).

b. Complaints against employees

Allegations of sexual misconduct against a university employee should be reported to the Director of Title IX and Clery Compliance, University Police, the Office of Human Resources, and/or to the Office of the Dean of Students. The university will follow the resolution procedures detailed in Section V.C., below.

c. Complaints against student workers

Allegations of sexual misconduct against a student worker may be reported to the Director of Title IX and Clery Compliance, University Police, the Office of Human Resources, and/or to the Office of the Dean of Students. The university will process the complaint using procedures applicable to the capacity in which the student worker was acting at the time of the alleged misconduct (*i.e.*, student or employee).

2. Discrimination, harassment or related retaliation

a. Complaints involving students

Students seeking to file complaints of discrimination or harassment against UNCW employees, or UNCW employees seeking to file complaints of discrimination or harassment against students, should contact the Director of Title IX and Clery Compliance, University Police, the Office of Human Resources, and/or the Office of the Dean of Students. Resolution and disciplinary procedures for complaints against students will be handled by the Dean of Students as detailed in the [Code of Student Life or other relevant policy](#).

b. Employee-on-employee complaints

Employees seeking to file complaints of discrimination or harassment against another UNCW employee should contact the Director of Title IX and Clery Compliance, University Police, the Office of Human Resources and/or to the Office of the Dean of Students. The university will follow the resolution procedures detailed in Section V.C., below.

c. Complaints against student workers

Allegations of discrimination or harassment against a student worker may be reported to the Director of Title IX and Clery Compliance, University Police, the Office of Human Resources, and/or the Office of the Dean of Students. The university will process the complaint using procedures applicable to the capacity in which the student worker was acting at the time of the alleged harassment (*i.e.*, student or employee).

3. Responsibilities of employees

Any university employee, faculty/instructor, staff, administrator or person working on behalf of an officially sanctioned university office, event or activity, including resident assistants (“responsible employees”), receiving notice of suspected or potential sexual misconduct is required to file a report with the Director of Title IX and Clery Compliance within one (1) business day of receiving the notice, unless that notice was communicated to an official who can provide professional confidentiality (*see* “Confidentiality” above). Clery Act crime statistic and timely warning reporting duties must also be observed in accordance with [Policy 05.505 Crime Reporting, Timely Warning, and Emergency Response Procedures](#).

Vice Chancellors, deans, directors, department chairs, or supervisors who become aware of specific allegations of discrimination or harassment must report the allegations promptly to the Associate Vice Chancellor of Human Resources, if the alleged offender is an employee, or to the Dean of Students, if the alleged offender is a student.

B. Optional Informal or Initial Actions; Interim Measures

1. Depending on the type or severity of offense, initial actions may include the following:
 - a. Telling the alleged offender his or her behavior is unwelcome and must stop.
 - b. Asking for an apology and a commitment that the behavior will stop.
 - c. Sending a copy of this policy to the alleged offender.
 - d. Writing to the alleged offender regarding the conduct, pointing out the effects of such behavior, and explaining the behavior change desired.
 - e. Having the pertinent supervisor counsel the alleged offender about appropriate behaviors and conduct expectations.
 - f. Requesting a fact-finding investigation.
2. Additionally, the university may provide interim measures (also referred to as supportive measures) to ensure that there is no interference with the educational or employment opportunities of the complaining party. These interim measures may include, but are not limited to, an institutional order of no contact, no trespass order, parking accommodation, transportation assistance or security escorts, and changes in academic or relocation of work space, among other options. The complaining party may also receive services including an EAP referral, assistance from the CARE office, as well as connections to community resources such as the Rape Crisis Center and the Domestic Violence Shelter and Services.
3. In deciding whether to pursue informal means, including mediation, the complaining individual is encouraged to seek the assistance of the Director of Title IX and Clery Compliance, or representatives of the Office of the Dean of Students, Housing and Residence Life Staff, Student Health Services, the Counseling Center, or the Office of Human Resources, as appropriate. These offices are available to assist the complaining party in crafting the message to send to the offending individual, as well as recommending other informal mechanisms and setting up mediation. Whichever office the affected individual elects to discuss his/her concerns with, the issue of confidentiality should be addressed before specific facts or identities are disclosed due to the university’s legal obligations to investigate all allegations that may constitute harassment as defined in this Policy.
4. In response to allegations of sexual assault, dating violence, domestic violence, and stalking, the university shall refer employee-complainants to appropriate support resources such as CARE. Student-complainants shall be referred in accordance with [Policy 04.130 Student Gender-Based/Sexual Misconduct](#) or [02.210 Title IX Grievance Policy](#).

C. Formal Resolution of Complaints against Employees

1. Initiating a Formal Complaint

- a. If the offending behavior continues after the initial response, or if the severity of the behavior warrants immediate initiation of a fact-finding investigation (such as alleged

instances of sexual misconduct), the complainant or witness may make a formal complaint.

- b. A complaint must be presented within ninety (90) calendar days of the alleged incident to the appropriate office as listed in Section V.A. above. Such office shall forward the complaint to the Office of Human Resources. If filed later than ninety calendar (90) days, the Associate Vice Chancellor of Human Resources or designee may extend the time limit based on extenuating circumstances and at their sole discretion.
- c. Complainants are not required to provide a signed, written statement describing their complaint, though such documentation is strongly encouraged. If the complainant conveys the allegations verbally, the Associate Vice Chancellor of Human Resources or designee shall document the complaint and have the complainant review and sign the documentation to indicate that it is accurate and complete. Upon receipt of allegations involving sexual misconduct, the Director of Title IX and Clery Compliance shall be notified.

2. Investigation

- a. The Associate Vice Chancellor of Human Resources or designee shall determine whether the complainant's allegations fall within the scope of this Policy. If so, the Associate Vice Chancellor of Human Resources or designee(s) shall investigate promptly. All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. Proceedings should be completed within sixty (60) days of receiving a formal complaint. Reasonable extensions of time for good cause are permissible upon written notice to both parties of the delay and the reason for the delay.
- b. The Associate Vice Chancellor of Human Resources or designee shall form a fact-finding team of two impartial and unbiased individuals who shall interview the complainant and the respondent. Witnesses should also be interviewed, and any relevant documentary evidence shall be reviewed. The fact-finding team shall take notes of all individuals who are interviewed. The fact-finding team shall instruct individuals that retaliation is prohibited and is a violation of university policy and the law. The individuals shall also be instructed about the confidentiality and privacy parameters of the investigation. In cases involving sexual assault, dating violence, domestic violence, and stalking, the fact-finding team will undergo annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- c. In general, both the complainant and the respondent may be accompanied when interviewed by another member of the university community, so long as the individual does not participate in or interfere with the interview. This person's role is simply as an observer. Representation by legal counsel during the interview is prohibited, except in cases involving sexual assault, dating violence, domestic violence, and stalking, where both the complainant and respondent may be accompanied by any advisor of their choice, including legal counsel, so long as the individual does not interfere with the interview. In no case may an advisor include any individual that could serve as a witness in the process.

3. Findings and Determination

- a. Upon completion of the investigation, the fact-finding team shall prepare a written report of the factual findings. The Associate Vice Chancellor of Human Resources or designee shall forward the report to the pertinent senior officer in the unit where the respondent is employed. The senior officer, in consultation with the General Counsel, shall make a determination of whether a policy violation has occurred. The standard of proof shall be a preponderance of the evidence, which means that there is greater than a 50% chance that the respondent is responsible for the alleged violation.
- b. In the event that a violation of this Policy is found, the pertinent senior officer shall determine the appropriate disciplinary action, in consultation with the Associate Vice Chancellor of Human Resources or designee and General Counsel, in accordance with the appropriate disciplinary procedures pertaining to the affected individual. Any prior violations of this policy involving the respondent shall be considered in any disciplinary action.

- c. The complainant and the respondent shall be informed within three (3) business days by the Associate Vice Chancellor of Human Resources or pertinent senior officer, in writing, when a decision has been reached. Results of the investigation, the fact-finding report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the North Carolina Human Resources Act (G.S. §§ 126-22 *et. seq.*) and the State Human Resources Commission Personnel Records Policy, or, in the case of student-workers, the Family Educational Rights and Privacy Act (“FERPA”). Generally, parties to the fact-finding will not receive a copy of the report during this stage of the process. Additionally, in general, investigation records are kept in a confidential file separate from the personnel file.
- d. The administration of any disciplinary action will be the responsibility of the pertinent senior officer in the employee’s division, after consultation with the Director of Staff Development and Employee Relations in Human Resources and in accordance with applicable procedures.

VI. RECORD KEEPING

The Office of Human Resources shall retain all investigation records of employees in a confidential file. The Office of the Dean of Students and/or the Office of Title IX and Clery Compliance shall retain all investigation records of students.

VII. APPEAL PROCEDURES

- A. The grounds for appealing a decision reached pursuant to the procedures in [Policy 04.130 Student Gender-Based/Sexual Misconduct](#) are detailed in that Policy.
- B. The grounds for appealing a decision reached pursuant to the procedures in [02.210 Title IX Grievance Policy](#) are detailed in that Policy.
- C. The grounds for appealing the decision reached pursuant to the procedures under Section V.C., by either the complainant or the respondent, may be for only these reasons:
 - 1. The behavior is ongoing;
 - 2. The remedy was not implemented;
 - 3. Material procedural irregularities occurred during the investigation; or
 - 4. New evidence has been discovered that had not been available during the investigation and that may have a substantial impact on the outcome of the investigation.
- D. Dissatisfaction with the university’s decision from the formal resolution procedures is not grounds for an appeal.
- E. Parties seeking to appeal the decision on approved grounds must file a written appeal statement within thirty (30) calendar days after notice of the decision. Appeal statements must include a copy of the original complaint, a summary of efforts to resolve the behavior, and the grounds for the appeal.
- F. Respondents against whom disciplinary action has been taken must follow the appeal procedures in accordance with [Policy 08.520 SHRA Employee Appeals and Grievances](#), [Policy 08.521 EHRA Review and Appeal Procedures](#), or [Section 603 of the Code of the Board of Governors](#), as appropriate, to appeal the imposition of such disciplinary action.
- G. A Vice Chancellor unaffiliated with the investigation, or designee, shall review the appeal with General Counsel and the Associate Vice Chancellor of Human Resources or designee. The Vice Chancellor’s decision must be in writing and sent to the appellant as soon as practicable in a matter that ensures receipt. This decision constitutes a final university decision.

IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES **POLICY 02.220**

I. PURPOSE

This policy sets forth professional conduct standards for all employees who are involved in the instruction, supervision or evaluation of students. The University does not condone amorous relationships between students and employees. Members of the University community should avoid

such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Even if a relationship is not prohibited by this policy, it can raise risk management and conflict of interest concerns; thus, the University would discourage it. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: 1) when the employee is responsible for evaluating or supervising the affected student; and 2) when the student is a minor, as defined by North Carolina law.

II. PROHIBITED CONDUCT

- A. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.
- B. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the University, other than his or her spouse, who is a minor below the age of 18 years.

III. DEFINITION OF TERMS

- A. “Amorous relationship” exists when, without the benefit of marriage, two persons as consenting partners
 - 1. Have a sexual union; or
 - 2. Engage in a romantic partnering or courtship that may or may not have been consummated sexually.
- B. “Evaluate or supervise” means:
 - 1. To assess, determine or influence a) one’s academic performance, progress or potential or b) one’s entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; or
 - 2. To oversee, manage, chaperone, lead or direct one’s academic, extracurricular, applied learning, or other institutionally prescribed activities.
- C. “Related by blood, law or marriage” means:
 - 1. Parent and child
 - 2. Brother and sister
 - 3. Grandparent and grandchild
 - 4. Aunt and/or uncle and niece and/or nephew
 - 5. First cousins
 - 6. Stepparent and stepchild
 - 7. Spouses
 - 8. Parents-in-law and children-in-law
 - 9. Brothers-in-law and sisters-in-law
 - 10. Guardian and ward

IV. REPORTING POLICY VIOLATIONS

- A. The University requires employees to report alleged violations to the department chair, dean, director or vice chancellor of the division or department in which the employee involved in the relationship is employed. The dean, director or vice chancellor, in consultation with the Associate Vice Chancellor for Human Resources, Provost, and General Counsel (or respective designees), shall determine whether the allegations fall within this scope of this Policy. If so, they will authorize the creation of a management plan or a formal investigation of the allegations.
- B. Self-reporting by employees is required to avoid potential conflicts of interest and the appearance of conflicts. If the potential for such a conflict arises, the employee is required to disclose the possibility of a potential conflict to his or her immediate supervisor and efforts are to be made to manage or eliminate any potential source of the conflict. Moreover, self-reporting is required to manage or resolve existing conflicts of interest arising from prohibited conduct defined in Section II.

- C. The University considers the filing of a false or malicious report to be a violation of this policy, and the individual who reports shall be subject to prompt and appropriate disciplinary action.

V. INVESTIGATORY PROCEDURES

- A. If a formal investigation is authorized, the pertinent vice chancellor will form a fact finding team of two impartial and unbiased individuals who interview the employee, the affected student, the complainant, and any other individual believed to have factual knowledge necessary to determine the validity of the allegations. Relevant documents shall also be reviewed. The fact-finding team takes notes of all individuals who are interviewed. The investigation should gather relevant information to determine whether there is a policy violation or a risk management or conflict of interest concern. As such, they may determine information including, but not limited to:
 - 1. Whether the reported relationship does exist and the nature of the relationship;
 - 2. Whether the relationship has created a conflict of interest;
 - 3. Options for eliminating any conflict of interest, with an emphasis on avoiding any negative impact to the student's academic progress; and
 - 4. The appropriateness of any academic, evaluative, and/or supervisory decisions made by the employee when the conflict of interest existed.
- B. In general, the complainant, employee, and affected student may be accompanied by another member of the university community during the interview, so long as the individual does not participate in or interfere with the interview. This person's role is simply as an observer. Representation by legal counsel during the interview is prohibited. All parties to an investigation must be instructed on the confidential nature of the matter, and the prohibition against retaliation for reporting policy violations and/or participating in an investigation.
- C. The fact finding team shall prepare a written report of factual findings, which shall be considered a confidential personnel record. Human Resources will serve as a consultant to the process to ensure consistency of treatment. In the case of a faculty member, the report shall be submitted to the pertinent department chair, dean, and the provost, with a copy to the Associate Vice Chancellor for Human Resources. In the case of a non-faculty member, the report shall be submitted to the pertinent supervisor, vice chancellor, and the Associate Vice Chancellor for Human Resources. The subject employee shall be afforded a full opportunity to participate in the fact-finding before the report is finalized. The employee may appeal a determination based on the investigation and report in accordance with Section VII.
- D. A senior officer, in consultation with the General Counsel, shall make a determination of whether a policy violation has occurred. The standard of proof shall be a preponderance of the evidence, which means that there is greater than a 50% chance that the employee has engaged in prohibited conduct.
- E. If, following consultation with the Associate Vice Chancellor for Human Resources and General Counsel, the fact-finding team finds or is presented with evidence of harassment, violence, sexual activity with a minor, or other sexual misconduct, the matter will be referred to the Director of Title IX and Clery Compliance and/or University Police, as appropriate, and handled in accordance with Policy 02.205, Unlawful Discrimination, Harassment, and Sexual Misconduct.
- F. Results of the investigation, the report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA") and the North Carolina Human Resources Act (G.S. §§ 126-22 et. seq.). The investigating administrator(s) shall forward all related documentation as soon as possible following resolution to Human Resources for retention.
- G. Reasonable efforts should be made to investigate and, if necessary, resolve, the concern in as timely a manner as possible, which should be within sixty (60) calendar days of receiving the complaint. The Associate Vice Chancellor for Human Resources should be advised on any investigation and/or resolution that takes longer than sixty (60) calendar days. This should be accomplished through a status report provided by the investigating administrator(s).

VI. CORRECTIVE ACTION

Any disciplinary action imposed for a violation of this policy shall be made in accordance with the disciplinary procedures applicable to the faculty or staff member's category of employment. Sanctions may include a letter of reprimand or warning, suspension without pay, or dismissal from employment. Disciplinary action shall be decided by the dean or provost (or designee) or appropriate vice chancellor (or designee), in consultation with the Associate Vice Chancellor for Human Resources and General Counsel.

VII. APPEAL PROCEDURES

- A. A subject employee may appeal a determination following an investigation to the Office of Human Resources, who will forward it to an appropriate senior officer who has not participated in the investigation or subsequent disciplinary decision for review and decision. The employee may appeal a determination on the basis of:
 - 1. Material procedural irregularities occurring during the investigation; or
 - 2. Discovery of new evidence that was not available during the investigation and that may have a substantial impact on the outcome of the investigation.
- B. Dissatisfaction with the university's determination is not grounds for an appeal.
- C. A subject employee seeking to appeal the determination on approved grounds must file a written appeal statement within thirty (30) calendar days after notice of the decision. Appeal statements must include grounds for the appeal.
- D. Disciplinary actions may be appealed in accordance with the disciplinary policies applicable to the faculty or staff member's category of employment.

SMOKING and TOBACCO PRODUCT USE POLICY **POLICY 02.330**

(established May 5, 2008; effective June 1, 2008)

I. PURPOSE

The University of North Carolina Wilmington (UNCW) has a responsibility to its employees and students to provide a safe and healthful environment. Research findings show that tobacco use in general, including smoking and breathing secondhand smoke, constitutes a significant health hazard. In addition to causing direct health hazards, smoking contributes to institutional costs in other ways, including fire damage, cleaning and maintenance costs, and costs associated with employee absenteeism, health care and medical insurance.

II. SCOPE

The Smoking and Tobacco Product Use applies to all students, university employees and visitors and guests of the university. For the purposes of this policy, tobacco products are defined as all tobacco-derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products and oral tobacco (spit and spitless, smokeless, chew, snuff). This definition does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a medicinal product. Smoking is defined as burning any type of tobacco product including, but not limited to, cigarettes, electronic and/or vaporized cigarettes, cigars, cigarillos, pipes and bidis.

III. POLICY

- A. Tobacco product use and smoking are prohibited in all UNCW buildings.
- B. Smoking is prohibited up to 25 feet outside the entrance to any campus building (measured as 25 feet from the end of each formal entrance structure) and 25 feet from air handlers. Special consideration will be given to those buildings where compliance with a 25 feet perimeter poses a danger to the individual.
- C. Smoking and tobacco product use are prohibited in all UNCW vehicles.
- D. The sale of tobacco products on campus is prohibited.
- E. The free distribution of tobacco products on campus is prohibited.

- F. Registered student organizations are prohibited from accepting event sponsorship from tobacco brand companies and from promoting tobacco products.

IV. IMPLEMENTATION AND ENFORCEMENT

- A. Enforcement of this policy will depend upon the cooperation of all faculty, staff, students, visitors and guests not only to comply with this policy but also to encourage others to comply with the policy in order to provide a healthy environment in which to work, study and live.
- B. Repeated or intentional non-compliance with these provisions will be managed in accordance with Student Affairs guidelines for all students and disciplinary guidelines for staff and faculty. When necessary, the university will institute disciplinary action against the offending individual, which may result in a range of sanctions, including but not limited to the following: for students – warning, written warning, disciplinary probation or suspension; and for employees – warning, suspension without pay or dismissal.
- C. All non-smoking areas shall be clearly marked with appropriate signage and other physical indicators, especially related to the 25-foot perimeter policy. Any smoking waste management products should be placed outside of the 25 foot perimeter.
- D. Housing and Residence Life is responsible for enforcing and implementing sanctions in campus and student residences, per item #33 in the *UNCW Code of Student Life*, Residence Life publication, *A Guide to On-Campus Living*.
- E. Visitors or guests using tobacco products or smoking in areas covered by this policy will be asked to refrain from such use within 25 feet from the building or leave the premises. University law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the property.

V. SMOKING CESSATION SERVICES

- A. Smoking cessation services for students will be provided by UNCW's Alcohol and Other Drug Prevention and Education Program, in partnership with Health Promotion Services and the Abrons Student Health Center.
- B. Information regarding smoking cessation services and education for employees is available through Human Resources and/or the State Health Plan.

ILLEGAL DRUGS **POLICY 04.110**

I. PURPOSE

The fundamental purpose of the university is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty, administrators and other university employees share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

II. POLICY AND PROGRAM

- A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty, administrators and other university employees.
- B. University policies and programs are intended to emphasize the following:
 - 1. The incompatibility of the possession, use or sale of illegal drugs with the goals of the university.
 - 2. The legal consequences of involvement with illegal drugs.
 - 3. The medical implications of the use of illegal drugs.
 - 4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.
- C. The university provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, Crossroads: Alcohol and Other Drug Prevention and Education Program has developed a well-integrated, centralized program that is a focal point for campus substance

abuse education, training and prevention, which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff.

III. EDUCATION

The university provides a program of education designed to help all members of the university community avoid abuse of illegal drugs. Education programs:

- A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.
- B. Promote and support institutional programming that discourages substance abuse.
- C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
- D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use and refer persons with these problems for appropriate assistance.
- E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
- F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
- G. Develop a coordinated effort across campus for drug related education, treatment and referral.

IV. COUNSELING AND REHABILITATION

- A. The university provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:
 - 1. Training for professional staff and student staff on drug abuse information, intervention and referral.
 - 2. Education programs for students who have demonstrated abusive behavior with drugs.
 - 3. Assessment, counseling and referrals for students.
 - 4. Consultation, information and referrals for students, staff and faculty.
- B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, Crossroads: Alcohol and Other Drug Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

V. ENFORCEMENT AND PENALTIES

A. ENFORCEMENT

In seeking to enforce established university policy, the university will:

- 1. Publicize all drug policies.
- 2. Consistently enforce drug policies.
- 3. Exercise appropriate disciplinary action for drug policy violations.

B. PENALTIES

The university shall take actions necessary, consistent with state and federal law and applicable university policy to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation materials, on-line resources, letters to students and parents, residence hall meetings and faculty and employee meetings.

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as “controlled substances” in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by UNCW. It is not “double jeopardy” for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator or other employee when the alleged conduct is deemed to affect the interest of the university.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students (see *UNCW Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Policy 08.510 SHRA Disciplinary Action*)⁵.

The penalties to be imposed by the university will vary depending upon the nature and seriousness of the offense and may include a range of disciplinary actions up to and including expulsion from enrollment and discharge from employment. The university may also refer matters to law enforcement for prosecution.

1. For second or subsequent offenses involving illegal drugs, progressively more severe penalties shall be imposed.
2. Students and faculty members, administrators and other employees found to have violated applicable law of university policies concerning illegal drugs may be required to participate in drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor’s designee deems appropriate. Refusal or failure to abide such conditions and restrictions may result in additional disciplinary action, up to and including, expulsion from enrollment and discharge from employment.

SUSPENSION PENDING FINAL DISPOSITION

When a student, faculty, administrator or university employee has been charged by the university with a violation of policies concerning illegal drugs, he/she may be suspended from enrollment and/or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor’s absence the chancellor’s designee concludes that the person’s continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community; provided that, if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held in accordance with applicable campus conduct policy.

VI. ASSESSMENT

The University must comply with the applicable state and federal law regarding illegal drugs including without limitation, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. In accordance with the latter, the university must conduct a biennial review of the effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement, and maintain the results of such reviews on file.

⁵ Rules of the State Human Resources Commission govern the disciplinary actions that may be taken against SHRA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SHRA employees in those instances where this policy otherwise requires suspension.

TITLE IX GRIEVANCE POLICY

POLICY 02.210 (established August 2020)

I. PURPOSE

The university promotes a learning, working, and social environment where all members of the campus community interact in a mutually respectful, professional, and fair manner. The university is committed to ensuring a workplace and academic environment free of unlawful discrimination, harassment, and sexual misconduct, as these behaviors may create a risk to health, safety or wellbeing, cause serious emotional distress, loss of productivity and morale, and potential legal risks.

The university treats Complainants and Respondents equitably throughout the proceedings outlined in this Policy. University officials charged with implementing this Policy will objectively evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations that are based on a person's status as a Complainant, Respondent, or witness. Respondents are presumed not responsible for any alleged conduct until a determination regarding responsibility is made at the conclusion of the proceedings outlined in this Policy.

This Policy sets forth the rights of university community members and the obligations of the university pursuant to Title IX of the Education Amendments of 1972 and its [implementing regulations](#) ("Title IX"). The university's Director of Title IX and Clery Compliance ("the Title IX Coordinator") is charged with ensuring the University's compliance with this Policy and applicable laws. Throughout this Policy, any references to the Title IX Coordinator include the Title IX Coordinator's designee(s).

II. SCOPE

- A. The expectations and procedures outlined in this Policy apply to all members of the University community, including faculty, staff, and students.
- B. Only alleged Covered Conduct, as that term is defined in Section III below, will be processed under this Policy. Alleged sexual harassment or interpersonal misconduct that is not Covered Conduct is addressed under the following University Policies:
 - a. If by a University student, the [04.130 Student Gender-Based/Sexual Misconduct Policy](#) or the [Code of Student Life](#);
 - b. If by a faculty or staff member, [Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct](#) or other applicable policies.

III. DEFINITIONS

- A. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- B. **Title IX Coordinator** means the University's Director of Title IX and Clery Compliance or designee(s).
- C. **Covered Conduct** means sexual harassment that occurs within the university's education program or activity and that occurs against a person in the United States.
- D. **Dating Violence** means violence committed against an individual with whom Respondent is or has been in a social relationship of a romantic or intimate nature. 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 individuals involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- E. **Day** (unless otherwise specified) means a business day on which the University is open.

- F. **Domestic Violence** means violence that may constitute a felony or misdemeanor crime of violence against an individual (a) who is a current or former spouse or intimate partner; (b) with whom Respondent shares a child in common; (c) with whom Respondent cohabitates or has cohabitated as a spouse or intimate partner; (d) who is similarly situated as a spouse under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) who is a youth or adult and is protected from that Respondent's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- G. **Education Program or Activity** includes locations, events, or circumstances over which the university exercised substantial control over both Respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- H. **Formal Complaint** means a document submitted by Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the university investigate the allegation of sexual harassment. A Formal Complaint includes a document or electronic submission (such as by electronic mail or by the online reporting form at <https://uncw.edu/titleix/>) that contains Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
- I. **Investigator** means an official(s) appointed by the Title IX Coordinator to conduct the investigation of an alleged violation(s) of this Policy.
- J. **Party or Parties** means the Complainant(s) or Respondent(s) either separately or collectively.
- K. **Student** means an individual who has fully participated in university orientation and is enrolled at the institution, in accordance with the Family Educational Rights and Privacy Act (FERPA). Student status is maintained unless an official university withdrawal is submitted.
- L. **Employees** or "faculty and staff" means all SHRA and EHRA employees, including those who are in assignments that are full-time, part-time, probationary, non-career status, adjunct, and temporary.
- M. **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- N. **Sexual Assault** means any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes:
- the penetration of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent;
 - the touching of the private body parts of another person for the purpose of sexual gratification without consent;
 - sexual intercourse with a person who is under the statutory age of consent; and
 - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- O. **Sexual Harassment** means:
- A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity; or
 - Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

- P. **Stalking** is engaging in a course of conduct (two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties [by any action, method, device, or means] follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property) directed at a specific individual that would cause a reasonable individual (under similar circumstances and with similar identities to the victim) to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.
- Q. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to Complainant or Respondent.
- R. **Title IX Advisor** means a person who accompanies a Party and who may be, but is not required to be, an attorney.
- S. **Clear and Convincing Evidence** means the evidence is highly and substantially more likely to be true than untrue. The facts must reach a threshold that supports a contention as highly probable. This can be further quantified as somewhere between 50% certainty and the threshold for proof beyond reasonable doubt.

IV. RETALIATION PROHIBITED

- A. No University community member may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
- B. Except as may be permitted to be disclosed pursuant to the Family Educational Rights and Privacy Act and its implementing regulations (FERPA) or as otherwise required by law or to carry out the purposes of Title IX and this Policy, the university will take precautions to keep confidential the identity of:
 - a. any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or submitted a Formal Complaint of Sexual Harassment,
 - b. any Complainant,
 - c. any individual who has been reported to be the perpetrator of sex discrimination,
 - d. any Respondent, and
 - e. any witness.
- C. Complaints alleging retaliation may be submitted to the Title IX Coordinator.

V. CONFIDENTIALITY/PRIVACY

- A. Except as may be permitted to be disclosed pursuant to the Family Educational Rights and Privacy Act and its implementing regulations (FERPA) or as otherwise required by law or to carry out the purposes of Title IX and this Policy, the university will take precautions to keep confidential the identity of:
 - a. any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or submitted a Formal Complaint of Sexual Harassment,
 - b. any Complainant,
 - c. any individual who has been reported to be the perpetrator of sex discrimination,
 - d. any Respondent, and
 - e. any witness.

VI. CLERY ACT REQUIREMENTS

- A. **Federal Statistical Reporting Requirements:** All university employees, including the confidential resources of the Abrons Student Health Center and CARE, but not professional or pastoral counselors, are required to report non-identifying statistical information about certain crimes, including any alleged sexual misconduct, dating violence, domestic violence, or stalking, as required by state and federal law, and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This statistical

information is used for compiling the annual UNCW Annual Security Report and by the Office of Title IX and Clery Compliance and University Police for purposes of advising the campus community of any potential safety risks or concerns.

- B. **Federal Timely Warning Requirements:** Individuals should also be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

VII. REPORTS

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, to the Title IX Coordinator, or by any other means that results in the Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the Title IX Coordinator's telephone number or electronic mail address, by completing the appropriate report on <https://uncw.edu/titleix/>, or by mailing a report to the office address. It is expected that every University employee will report incidents that implicate this Policy to the Title IX Coordinator.

Any responsible university office or employee receiving notice of gender-based/sexual misconduct is required to file a report with the Director of Title IX and Clery Compliance within one (1) business day of receiving the notice, unless that notice is communicated to an official who can provide professional confidentiality (see Confidential Resources herein). Clery Act crime statistic and timely warning reporting duties must also be observed.

The Interim Director of Title IX and Clery Compliance/Title IX Coordinator is:

Michael Walker, Ed.D.

Associate Vice Chancellor for Student Affairs, Dean of Students

Campus Box 5982

Alderman Hall 101

(910) 962-3117

TitleIX@uncw.edu

Deputy Title IX Coordinator

The Interim Deputy Title IX Coordinator is:

Leigh Fickling, J.D., M.Ed. M.S.

Director, Disability Resource Center

Campus Box 5492

DePaolo Hall 1043

(910) 962-7555

TTY: 800.735.2962

ficklingl@uncw.edu

University officials who have the authority to institute corrective measures on the University's behalf are required to provide to the Title IX Coordinator any and all information they receive concerning alleged Sexual Harassment. University officials are defined as those who have the authority to institute corrective measures on the University's behalf include, and are not limited to the Title IX Coordinator, the Associate Vice Chancellor for Human Resources, and the Associate Vice Chancellor and Dean of Students.

VIII. SUPPORTIVE MEASURES

A. Generally

- a. Supportive Measures are available to Complainant and to Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been submitted. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual no-contact orders between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- b. The university will maintain as confidential any Supportive Measures provided to Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

B. Offering Supportive Measures

- a. When the Title IX Coordinator receives a report of alleged Sexual Harassment, the Title IX Coordinator will promptly contact Complainant to:
 - i. Discuss the availability of Supportive Measures and consider Complainant's wishes with respect to Supportive Measures;
 - ii. Provide Complainant with written information regarding Complainant's rights and options under this Policy and the Supportive Measures available to Complainant;
 - iii. Inform Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint;
 - iv. Explain the process for filing a Formal Complaint;
 - v. Explain this Policy in general terms, including the resolution options available following the filing of a Formal Complaint;
 - vi. Seek to determine if Complainant wishes to notify law enforcement authorities, wishes to be assisted in notifying law enforcement authorities, or does not wish to notify law enforcement authorities of the allegation(s); and
 - vii. Inform Complainant that the university will share information only on a need-to-know basis and will strive to protect Complainant's privacy, including the omission of Complainant's identifying information in publicly available records, to the extent permissible by law.
- b. If Complainant submits a Formal Complaint, as discussed in Section X below, the Title IX Coordinator will promptly contact Respondent to:
 - i. Discuss the availability of Supportive Measures and consider Respondent's wishes with respect to Supportive Measures;
 - ii. Provide Respondent with written information regarding Respondent's rights and options under this Policy and the Supportive Measures available to Respondent;⁶
 - iii. Inform Respondent of the availability of Supportive Measures;
 - iv. Explain this Policy in general terms, including the resolution options available following the filing of a Formal Complaint; and
 - v. Inform Respondent that the university will share information only on a need-to-know basis and will strive to protect Respondent's privacy, including the omission of the Respondent's identifying information in publicly available records, to the extent permissible by law.

⁶ Student complainants and respondents have additional rights and responsibilities as it relates to the conduct process. Please refer to [04.130 Student Gender-Based/Sexual Misconduct Policy](#) or the [Code of Student Life](#) for further detail.

IX. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

A. Emergency Removal

- a. The university may remove a Respondent from the university's education program or activity on an emergency basis, so long as the university undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The university will provide Respondent with written notice of the emergency removal and the reasons therefor.
- b. Within ten (10) business days of the effective date of the emergency removal, Respondent may submit a written request for termination or modification of the emergency removal to the Title IX Coordinator, who will consult with the appropriate university official. In reviewing the request, the Title IX Coordinator shall consider the following issues only:
 - i. the reliability of the information concerning Respondent's conduct, including an assertion of mistaken identity; and
 - ii. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of Respondent in the university's education program or activity presents an immediate threat to the physical health or safety of any student or other individual.
- c. The Title IX Coordinator may, in their discretion, meet with Respondent and utilize information gathered in that meeting to make a decision whether to terminate or modify the emergency removal.

B. Administrative Leave

- a. Nothing in this Policy or in Title IX precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of the proceedings outlined in this Policy.

X. FORMAL COMPLAINTS

A. Initiating a Formal Complaint

- a. A Complainant may submit a Formal Complaint by submitting to the Title IX Coordinator or the Title IX Coordinator's office staff a document that alleges sexual harassment against a Respondent and requests that the university investigate the allegation of sexual harassment. The Formal Complaint may be submitted from Complainant's official university email account, through the report form located on <https://uncw.edu/titleix/>, or in hard copy if it is signed by Complainant.
- b. At the time of submitting a Formal Complaint, a Complainant must be participating in or attempting to participate in the university's education program or activity.
- c. The Title IX Coordinator, at their sole discretion, may submit a Formal Complaint even when a Complainant declines to do so. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy.

B. Notice of Formal Complaint

- a. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the following written notice to the parties who are known:
- b. Notice of this Policy, including the informal resolution process described in Section XIII.
- c. Notice of the allegations that potentially constitute sexual harassment under this Policy, including sufficient details known at the time and with sufficient time (at least 48 hours) to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident, if known.
- d. A statement that Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the proceedings outlined in this Policy.
- e. Notice that all Parties may have a Title IX Advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review evidence under Section XIV of this Policy.
- f. Notice of the specific provision of university policy that prohibits knowingly making false

statements or knowingly submitting false information during the proceedings outlined in this Policy.

- g. If, in the course of an investigation, the university decides to investigate allegations about Complainant or Respondent that are not included in the original notice, the university will issue notice of the additional allegations to the Parties.
- C. Consolidation of Formal Complaints
 - a. The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

XI. DISMISSAL

- A. Mandatory Dismissal of Formal Complaint
 - a. The Title IX Coordinator must dismiss a Formal Complaint if the conduct alleged in the Formal Complaint is not Covered Conduct. Allegations within a Formal Complaint that have been dismissed by the Title IX Coordinator may still be addressed by other university policies as outlined in Section II above.
- B. Permissive Dismissal of Formal Complaint
 - a. The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the informal resolution, investigation, or hearing:
 - i. a Complainant notifies the Coordinator in writing that Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - ii. Respondent is no longer enrolled or employed by the university; or
 - iii. specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- C. Notice of Dismissal
 - a. Upon a dismissal of a Formal Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Any party may appeal the Title IX Coordinator's dismissal of the Formal Complaint or any allegations therein as provided in Section XVI below.

XII. TITLE IX ADVISORS

- A. All Parties are permitted to have a Title IX Advisor of their choice, at their own expense, accompany them to any meeting or proceeding outlined in this Policy. The Title IX Advisor may be, but is not required to be, an attorney.
- B. A Title IX Advisor may be required to complete specific paperwork regarding this Policy and the parameters of student or employee confidentiality prior to serving as a Title IX Advisor. A Title IX Advisor may be present in meetings and interviews outlined in this Policy only when the party they advise is present. A Title IX Advisor may not unreasonably delay, disrupt, or otherwise interfere with the meetings or other proceedings outlined in this Policy.
- C. If a party does not have a Title IX Advisor present at the hearing described in Section XIV below, the university will provide a Title IX Advisor of the University's choice without fee or charge for the limited purpose of conducting cross-examination on behalf of the party.

XIII. INFORMAL RESOLUTION

- A. Voluntary Process
 - a. At any time prior to reaching a determination regarding responsibility, with the voluntary written consent of both parties, the university may, at the discretion of the Title IX Coordinator, facilitate an informal resolution process that does not involve a full investigation and hearing. The parties' option to pursue an informal resolution process is completely voluntary. At any time prior to agreeing to a final resolution, all parties have the right to withdraw from the informal resolution process and resume the investigation and hearing of the Formal Complaint pursuant to Section XIV below.
 - b. The informal resolution process is not available to resolve allegations that a faculty or staff member committed sexual harassment against a student.
- B. Notice

- a. Prior to agreeing to participate in a voluntary informal resolution process, Complainant and Respondent will receive written notice setting forth:
 - i. the allegations,
 - ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, and
 - iii. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
 - C. Agreement to Participate
 - a. Parties will have three (3) days after receiving written notice to consider whether they wish to participate in the informal resolution process. If all parties provide their voluntary consent to the university in writing by the end of the three (3) days, then the informal resolution process will move forward.
 - D. Facilitator
 - a. The Title IX Coordinator will appoint a trained facilitator, who does not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent, to facilitate the parties' informal resolution. Any party may notify the Title IX Coordinator if they believe that the appointed facilitator has a conflict of interest or bias.
 - E. Final Resolution
 - a. The appointed facilitator will meet separately with the parties to discuss possible resolutions to the Formal Complaint and to ascertain each party's perspective regarding responsibility and sanctions. In most cases, the parties will not interact directly with each other during the informal resolution process unless agreed upon by all parties and deemed necessary by the appointed facilitator.
 - b. If, after consultation with the Title IX Coordinator, the appointed facilitator identifies a potential resolution, the appointed facilitator will offer the resolution in writing to all parties. The parties will have three (3) days to consider the offered resolution. If all parties sign the offered resolution of the Formal Complaint, the resolution becomes final and no further action may be taken related to the case. The signed informal resolution may not be appealed.

XIV. FORMAL RESOLUTION

- A. Investigation
 - a. Formal Complaints that are not dismissed by the Title IX Coordinator or resolved through the Informal Resolution process will be investigated. The Title IX Coordinator will appoint two (2) trained investigators. Investigators are neutral fact-finders who do not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent. Any party may notify the Title IX Coordinator if they believe that the appointed Investigator(s) has a conflict of interest or bias.
 - b. The investigators will typically conduct interviews and follow-up interviews with Complainant, Respondent and third-party witnesses and gather any and all available evidence relevant to the investigation.
 - c. The Title IX Coordinator, in consultation with the appropriate university official overseeing the implementation of other relevant policies, may, but is not required to, request that the investigators also investigate violations of other University policies. All policy violations investigated under this policy will be adjudicated utilizing the grievance procedures herein.
 - d. A typical investigation will be completed in sixty (60) days, if not sooner. Reasonable extensions of time are permissible and both parties will be notified in writing if any extension is needed.
 - e. Throughout the investigation process, the investigators will:
 - i. Maintain the burden of gathering evidence sufficient to reach a determination regarding responsibility;

- ii. Not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, unless given voluntary, written consent to do so by the affected party;
 - iii. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
 - iv. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - v. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
 - vi. Provide the parties with equal opportunities to be accompanied by the Title IX Advisor of their choice, who may be, but is not required to be, an attorney to any related meeting or proceeding;
 - vii. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
 - viii. Provide all parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and all inculpatory or exculpatory evidence.
- f. Prior to completion of the investigative report, the investigators will send to all parties and the parties' Title IX Advisors, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and give the parties ten (10) days to submit a written response, which the investigators will consider prior to completing the investigative report. The investigators will then finalize the investigative report that fairly summarizes relevant evidence. The investigative report will be sent to all parties and the parties' Title IX Advisors, if any, at least ten (10) days prior to a hearing for their review and written response.

B. Hearing

a. Generally

- i. Upon conclusion of the investigation, an external adjudicator will oversee a hearing in order to make a determination regarding the Formal Complaint. The external adjudicator will be appointed by the Title IX Coordinator and must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent. Any party may notify the Title IX Coordinator if they believe that the appointed external adjudicator has a conflict of interest or bias.
- ii. Hearings pursuant to this Policy may be conducted with all parties physically present in the same geographic location or, at the university's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- iii. All hearings under this policy will be transcribed by a transcriber present at the hearing and will make it available to the parties for inspection and review. In the event that such a transcriber is not available, the hearing will be audio recorded. Such recording or transcript will be maintained in accordance with Section XVIII of this Policy. No party, Title IX Advisor, witness, or other individual may record the hearing.

b. Available Evidence

- i. Any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and all inculpatory or exculpatory evidence, will be available to all parties and their Title IX Advisors at the hearing. All parties will have an equal opportunity to refer to such evidence during the hearing, including for purposes

- of cross-examination.
 - ii. If there are additional witnesses or documentary evidence that was not available and/or submitted during the investigation process, it must be provided to the Title IX Coordinator at least five (5) business days prior to the hearing. Documentary evidence should be organized chronologically and each page shall be numbered. When possible, all such evidence should be submitted electronically. It is the complainant's and respondent's responsibility to notify their witnesses of the day, time and location of the hearing.
- c. Testimony and Cross-Examination
 - i. The external adjudicator may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
 - ii. The external adjudicator will permit each party's Title IX Advisor, if any, to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing will be conducted directly, orally, and in real time by the party's Title IX Advisor and never by a party personally.
 - iii. At the request of either party, the university will permit the parties to be located in separate rooms for the hearing with technology enabling the external adjudicator and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the external adjudicator will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - iv. If a party does not have a Title IX Advisor present at the hearing, the university will provide a Title IX Advisor of the university's choice without fee or charge for the limited purpose of conducting cross-examination on behalf of the party. The university-appointed Title IX Advisor will relay the party's desired questions to be asked of other parties and witnesses.
 - v. Questions and evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about Complainant's prior sexual behavior are offered to prove that someone other than Respondent committed the conduct alleged by Complainant, or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.
- d. Determination
 - i. The external adjudicator will issue a written determination to the Title IX Coordinator regarding responsibility. To reach this determination, the external adjudicator will apply the clear and convincing evidence standard. The written determination will include:
 1. Identification of the allegations potentially constituting sexual harassment as defined in this Policy;
 2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of this Policy or related university policies to the facts;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, proposed sanctions for the appropriate university official's consideration if Respondent is found responsible, and whether remedies designed to restore or preserve equal access to the university's education program or activity for Complainant will be recommended to the Title IX Coordinator; and

6. The university's procedures and permissible bases for Complainant and Respondent to appeal.
- e. Notice of Determination
 - i. The Title IX Coordinator will provide the external adjudicator's written determination to the parties simultaneously. Any party may appeal the determination regarding responsibility pursuant to Section XVI below. The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal is submitted, or on the day the appeal period outlined in Section XVI expires, if an appeal is not timely submitted. When the final determination includes a finding of responsibility against Respondent, the Title IX Coordinator will share that determination and the external adjudicator's proposed sanctions with the appropriate university official to impose sanctions pursuant to Section XV below.

XV. SANCTIONS AND REMEDIES

A. Sanctions

- a. The external adjudicator will issue a finding to the appropriate university official including any sanctions against a student Respondent that are permitted by Section II-4 of the [Code of Student Life](#), including, but not limited to written warning, disciplinary probation, suspension, or expulsion. For any faculty or staff Respondent, the external adjudicator will issue a finding including any sanctions, including but not limited to required training, written reprimands, and suspension or termination of employment.
- b. After considering the finding by the external adjudicator, and in consultation with the Title IX Coordinator, a university official will impose appropriate sanctions.
 - i. In cases involving student Respondents, the university official will be in accordance with the Code of Student Life.
 - ii. In cases involving faculty and staff, any relevant handbook or grievance procedures will guide the selection of the relevant university official.

B. Remedies

- a. After considering any recommendation by the external adjudicator, the Title IX Coordinator may conclude that certain remedies are necessary to restore or preserve Complainant's equal access to the university's education program or activity. Remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, no-contact orders, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive and need not avoid burdening Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

XVI. APPEALS

A. Timeframes and Bases for Appeal of Complaint Dismissal

- a. Any party may appeal a determination regarding responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein on the following bases:
 - i. Procedural irregularity that affected the outcome of the matter (including, but not limited to, 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](#) for cases involving student Respondents);
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - iii. The Title IX Coordinator, investigator(s), or external adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the

individual Complainant or Respondent that affected the outcome of the matter.

- B. A party must submit an appeal in writing within five (5) business days to the Vice Chancellor of Student Affairs. Thereafter, the Vice Chancellor of Student Affairs will review the decision and the record in making a determination. No further appeal is available. Nothing in this Policy restricts a party's appeal rights provided under other applicable laws or University policies or procedures.
- C. Process for Appeal of Formal Resolution Outcome
 - a. A party must submit an "Intent to Appeal" form within two (2) business days after notification of the original decision. The "Request for Appellate Consideration Form" must be submitted within five (5) business days after notification of the original decision. Reasonable extensions of time are permissible upon request prior to the deadline for submission. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student's appeal. Nothing in this Policy restricts a party's appeal rights provided under other applicable laws or University policies or procedures.
 - b. The Title IX Coordinator or designee will notify all Parties in writing when an appeal is submitted.
 - c. The Appeal Panel is comprised of three (3) vice chancellors or their designees.
 - d. Upon receiving a petition, the Appeal Panel shall obtain the full record of the external adjudicator. The record shall include the investigative report, the hearing transcript, the decision of the hearing including a case summary and rationale for supporting the decision, and other relevant documents. With this information, the Appeal Panel will conduct an Appellate Review based on one or more of the options for an appeal outlined above. Both the complainant and respondent typically will be notified in writing of the decision within fifteen (15) business days after receipt of the petition. Reasonable extensions of time are permissible.
 - e. The Appeal Panel will review all written correspondence associated with the case and any new evidence submitted that was not available during the original adjudication. The Appeal Panel may request additional documents and information from the external adjudicator that heard the case, and may invite the complainant, the respondent, the external adjudicator, the investigators and such other persons as deemed appropriate to appear to make statements and respond to questions. If the Appeal Panel needs to meet with any of the aforementioned individuals, notification shall be given in writing at least two (2) business days prior to the date set for the meeting, specifying time and place of the meeting and informing the complainant and/or respondent of their rights as outlined herein.
 - f. The Appeal Panel has the authority to approve, reject or modify the decision in question or to remand the case back to the external adjudicator.
 - g. For student cases that do not result in suspension or expulsion, the decision of the Appeal Panel is final.
 - iv. Consistent with Section 502D(3) of the UNC Policy Manual, where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been denied. This appeal is for an individual student conduct case (not campus organizations), provided the appeal is based on 1) violation of due process; or 2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.
 - v. The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted. For suspension or expulsion level cases, the appeal to the Board of Trustees is final.
 - h. For faculty and staff cases, any additional relevant handbook or grievance procedures may apply.

XVII. TRAINING

- A. The Title IX Coordinator, investigators, hearing officers/external adjudicators, appellate officers, and informal resolution facilitators receive regular training on, in addition to other

topics:

- a. the definition of sexual harassment,
 - b. the scope of the university's education program or activity,
 - c. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and
 - d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- B. External adjudicators also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

XVIII. Recordkeeping

- A. The University will maintain the following records in accordance with the UNC System Records Retention Schedule and in no event for less than seven (7) years:
- a. Records of any Supportive Measures or other response taken to a report or Formal Complaint of sexual harassment;
 - b. Records of each investigation under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
 - c. Records of any disciplinary sanctions imposed on Respondent, and records of any remedies provided to Complainant designed to restore or preserve equal access to the university's education program or activity;
 - d. Records of any appeal and the result therefrom;
 - e. Records of any informal resolution and the result therefrom; and
 - f. Records of all materials used to train the Title IX Coordinator, investigators, hearing officer(s)/external adjudicators, appellate officers, and any person who facilitates an informal resolution process.

XIX. Other Rights and Obligations

- A. Nothing in this Policy shall be interpreted to infringe on rights protected by other laws and policies, including but not limited to the First, Fifth, and Fourteenth Amendments to the U.S. Constitution; academic freedom; and the Americans with Disabilities Act.
- B. Nothing in this Policy shall be interpreted to prevent the university from complying with other federal laws, including but not limited to Title VII of the Civil Rights Act.

STUDENT GENDER-BASED/SEXUAL MISCONDUCT POLICY (including Dating Violence, Domestic Violence and Stalking)

POLICY 04.130 (revised August 2021)⁷

I. INTRODUCTION

UNCW is committed to providing programs, activities and an educational environment free from sex discrimination, and expects all members of its community to act in a respectful, responsible and civil manner towards one other. The Student Gender-Based/Sexual Misconduct Policy sets forth resources available to students, describes prohibited conduct, and establishes procedures for

⁷ This Policy amendment is effective August 14, 2020. On May 6, 2020, the United States Department of Education released new Title IX regulations, effective August 14, 2020 (the "2020 Title IX Regulations"). The new 2020 Title IX Regulations require modification of this policy. However, there are several lawsuits pending which seek to stay, delay or block implementation of some or all of the provisions in the 2020 Title IX Regulations. Should a court delay, stay or strike down, either temporarily or permanently, any *portion* of the 2020 Title IX Regulations, UNCW will make any necessary modifications to this policy, which will become effective immediately. If a court delays implementation of or strikes down *all* of the regulations, the University may revert back or retain the previous version of this policy.

responding to reports of certain gender-based/sexual misconduct (including sexual harassment, sexual assault and other unwelcome sexual and gender-based behaviors).

If you are consulting this policy because you believe you have been the victim of abuse or assault, please also refer to <http://uncw.edu/care/survivors/index.html> for additional information on steps to consider in the immediate aftermath of an incident, or call a confidential CARE Advocate, available 24 hours a day, at 910-512-4821.

As a recipient of Federal funds, the university is required to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities. Title IX-related incidents are covered in a separate grievance policy at [02.210 Title IX Grievance Policy](#). This policy covers other sexual misconduct not regulated by Title IX due to location or nature of the incident. Sexual misconduct, as defined in this policy, is a form of sex discrimination and, as explained in Section V of this policy, gender-based misconduct, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking are all forms of misconduct prohibited by this policy. All such forms of misconduct are referred to generally as “gender-based/sexual misconduct” throughout this policy.

This policy addresses complaints of gender-based/sexual misconduct where the victim (complainant) and accused (respondent) are enrolled as students at UNCW. It also addresses behavior by a respondent enrolled as a student at UNCW where the complainant is a faculty or staff member. Complaints relating to sexual misconduct by a member of the university faculty or staff as respondent should be reported to the university’s Director of Title IX and Clery Compliance, University Police or the Office of Human Resources. Complaints relating to sexual misconduct involving a student and non-university member can be reported to the law enforcement agency of the jurisdiction in which the misconduct took place, but also should be reported to the Office of Title IX and Clery Compliance. Details regarding UNCW’s policy for employee harassment may be found at <http://www.uncw.edu/policies/conduct.html>.

II. PURPOSE

Acts of gender-based discrimination, harassment and sexual misconduct, including dating violence, domestic violence and stalking, will not be tolerated at UNCW. In order to provide a safe campus community within which all members are valued and respected, policies and procedures for addressing gender-based/sexual misconduct have been established and are detailed herein. This policy applies regardless of the complainant’s or respondent’s sexual orientation, sex, gender identity, gender expression, age, race, nationality, class status, ability or religion.

Anyone wishing to make a complaint of gender-based/sexual misconduct by an enrolled student at UNCW should contact the university’s Director of Title IX and Clery Compliance, University Police, and/or the Office of the Dean of Students. UNCW provides confidential resources, support, and advice to students through UNCW CARE, the Counseling Center, and the Abrons Student Health Center. (A list of resources and relevant contact information are included on the last page of this policy.) Reports may also be made online at <http://www.uncw.edu/titleix>.

Any university employee, faculty/instructor, staff, administrator or person working on behalf of an officially sanctioned university office, event or activity, including resident assistants (“responsible employees”), receiving notice of gender-based/sexual misconduct is required to file a report with the Director of Title IX and Clery Compliance within one (1) business day of receiving the notice, unless that notice was communicated to an official who can provide professional confidentiality (see “Confidential Resources” below). Clery Act crime statistic and timely warning reporting duties must also be observed (as explained in Section VI.B. below).

In addition to violating university policy, gender-based/sexual misconduct may also constitute criminal activity. Victims are encouraged to inform law enforcement authorities about instances of sexual misconduct. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained by law enforcement immediately following an assault. Victims may inform law enforcement officers without making a criminal complaint. Victims who make a

criminal complaint may simultaneously pursue a university complaint. The University can assist victims in making a complaint to law enforcement officials.

A. JURISDICTION

The university may respond formally to alleged incidents of gender-based/sexual misconduct:

1. that occurred on campus or other university-controlled property; or
2. that were part of official university programs (regardless of location); or
3. when the complainant and respondent are UNCW students.
4. when the alleged behavior by a UNCW student respondent is a threat of significant danger to the campus community (including off campus).

Accordingly, the university may respond to cases where the incident occurred off campus or abroad during university Study Abroad programming if one of the other criteria are met.

B. LIMITATION PERIOD

Complainants of gender-based/sexual misconduct are encouraged to file complaints as soon as possible in order to maximize the university's ability to provide support, obtain evidence and conduct a thorough, impartial and fair investigation; however, there is no period of limitations. A complaint may be filed at any time while the respondent is enrolled as a student at UNCW, regardless of the length of time between the alleged misconduct and the decision to file a complaint. Failure to promptly report may result in the loss of relevant evidence and witness testimony and may impair the university's ability to effectively enforce this policy and assign appropriate remedies.

C. CONFIDENTIAL RESOURCES

If a victim prefers the details of an incident to be kept confidential, they can speak to professional staff in the following offices:

- UNCW Collaboration on Assault Response & Education (CARE)
- UNCW Counseling Center
- Abrons Student Health Center

Additionally, the Rape Crisis Center, Domestic Violence Shelter and Services and campus ministers will honor confidentiality. Confidential resources may need to share otherwise confidential information in a situation where an imminent danger to a victim or another individual exists in the opinion of the professional staff or administrator. In addition, all university resources are required by North Carolina law to report abuse or neglect upon a child or any disabled person and to report non-identifying statistical information as required by the Clery Act.

Public awareness events such as "Take Back the Night," "Speak Out," or other forums at which students disclose experience with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the victim initiates a complaint.

Research involving human subjects (which require approval by UNCW's Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this policy may be disclosed by a research subject as part of participation in that research. Researchers involved in the research shall not report the incident to the Director of Title IX and Clery Compliance.

III. ADVOCACY & SUPPORT SERVICES

No person should bear the effects of gender-based/sexual misconduct, dating violence, domestic violence and stalking alone. The safety, health and well-being of community members impacted by gender-based/sexual misconduct are of paramount concern; therefore, UNCW offers a range of services and resources to address these needs and support students affected by gender-based/sexual misconduct, dating violence, domestic violence or stalking.

Through CARE, the university's violence prevention and intervention program, the university provides confidential consultation and victim advocacy services to students who have experienced gender-based/sexual misconduct, dating violence, domestic violence, stalking, or harassment. CARE responds to students who have been victimized, as well as those affected by someone else's experience with abuse or assault. CARE provides supportive services, including crisis response, individual advocacy and accompaniment services, acts as a support person in the campus conduct system, and, coordinates with both on-campus and off-campus resources.

CARE's Victim Advocates will inform and counsel victims of their rights and available resources to help empower victims to make informed decisions and choices in responding to and coping with the effects of sexual misconduct. Victims can also access victim advocacy via the Rape Crisis Center and Domestic Violence Shelter and Services. Advocates assist victims, but the choice of what actions to pursue belongs solely to the victim. A Victim Advocate from CARE is available at any time, and contact information can be found on the last page of this policy. Additional information for victims is available at www.uncw.edu/care.

Support services for students who are respondents of (charged with) sexual misconduct are available, including an advisor from the Office of the Dean of Students and the confidential resources of the Counseling Center and Abrons Student Health Center.

A student experiencing sexual misconduct or physical abuse is strongly encouraged to seek medical attention. Victims are encouraged not to bathe, douche, brush their teeth, drink, change clothing or even comb their hair before seeking medical attention. It is only natural to want to do so, but doing so may destroy physical evidence that could be needed later if charges are pursued. Even if one bathes or washes, evidence can still be collected at the hospital, preferably within 72 hours of an assault. Evidence collection is not essential for pursuing a campus conduct process, but there are still good reasons to seek medical treatment such as to address the possibility of pregnancy, detect and prevent sexually transmitted infections, and to treat any physical injuries. One may have sustained injuries that they may not realize occurred during the assault.

- Evidence collection and emergency treatment is available 24 hours a day at the local emergency rooms (see Resources below).
- The Abrons Student Health Center can provide victims with immediate care or subsequent follow-up care.
- The North Carolina Rape Victims Assistant Program and Crime Victims Compensation Act cover most, if not all, medical costs related to rape.
- Law enforcement will be called to the hospital, but a victim is not obligated to talk to them.

Victims should also maintain any other evidence they may have. This can include, but is not limited to, stalking logs, photographs (personal, health care related, or law enforcement related), text messages, social media postings or messages, voicemails, emails, and other written correspondence.

If a victim wants to pursue criminal charges, they should contact University Police at 910-962-2222, or emergency 911. University Police can assist victims in identifying and contacting the appropriate law enforcement agency. Advocates from CARE are available to give victims information about the criminal prosecution process, assist victims in notifying appropriate law enforcement agencies, accompany victims to interviews and act as a resource for the victim with off-campus agencies associated with criminal prosecution.

In addition to victim advocacy services and law enforcement, the university's support services include, but are not limited to:

- Counseling services for students who have been assaulted or who have concerns regarding gender-based/sexual misconduct, dating/domestic violence or stalking.
- Referral to off-campus agencies that provide services for students who have experienced

- gender-based/sexual misconduct, dating violence, domestic violence or stalking.
- Assistance to students who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking in obtaining medical services.
- Procedures for campus conduct action when students who have been the victim of gender-based/sexual misconduct, dating violence, domestic violence or stalking wish to pursue formal resolution by the university, including administrative orders of no contact between parties or reassignment of campus housing.
- Assistance to students who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking in pursuing criminal action against their assailants, including assistance pursuing a protective order issued by the courts.
- Year-round primary prevention and education programs, awareness events and print and video resources addressing a variety of topics related to gender-based/sexual misconduct, dating/domestic violence, or stalking. These programs include education for new students, risk reduction strategies, bystander intervention trainings and campaigns, and emerging and established evidence-based prevention efforts. These efforts are designed to stop dating/domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- Training of students, faculty, and staff on relevant resources, policies and reporting obligations. Additional specialized training is given to those officials participating in the investigation and adjudication of complaints of gender-based/sexual misconduct at least annually regarding issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

A. ACADEMIC ACCOMMODATIONS AND INTERIM MEASURES

Academic accommodations and other interim remedies may be requested and honored, if reasonably available, regardless of whether the victim chooses to report the crime to university police or local law enforcement or proceed with a university investigation. When necessary the university will take immediate steps to protect a complainant pending the final outcome of an investigation, including academic accommodations and other interim measures. Academic accommodations and interim measures provided to students will be maintained as confidential to the extent possible.

Reasonable academic accommodations and interim measures for both complainants and respondents may be made on a case-by-case basis and may include, but are not limited to:

- reassignment of housing assignment
- changing work schedules
- altering academic schedules
- accessing academic support (tutoring)
- obtaining an administrative order of no contact which states that students may by no means communicate with, directly or indirectly, another student listed by the university

B. AMNESTY

The university community encourages the reporting of *Code of Student Life* violations, especially sexual misconduct. Sometimes individuals are hesitant to report to university officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interests of the university community that as many individuals as possible choose to report to university officials. Any individual, including the victim, a witness or a third party who makes a report will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs at or near the time of the incident, providing that any such violations did not harm or place the health or safety of any other person at risk.

There are also provisions in North Carolina General Statutes that provide amnesty for individuals seeking medical assistance for others experiencing drug- or alcohol-related overdoses. This includes General Statute § 18B-302.2

(https://www4.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_18b/gs_18b-302.2.html), which relates to alcohol, and General Statute § 90-96.2

(https://www4.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_90/gs_90-96.2.html), which relates to drugs.

IV. DIRECTOR OF TITLE IX AND CLERY COMPLIANCE/TITLE IX COORDINATOR

The Director of Title IX and Clery Compliance has primary responsibility for overseeing all aspects of compliance with Title IX and related regulations across the institution, including but not limited to: Recruitment, Admissions, Financial Aid, Athletics, Sex-Based Harassment, Pregnant and Parenting Students, Investigations and Adjudication procedures, Academic and Extracurricular Activities, and Employment.

The Director serves as the point of contact for coordinating the University's efforts in response to all forms of gender-based or sexual equity issues and ensures that the University's response is effective, timely, thorough, and follows all legal mandates. The Director of Title IX and Clery Compliance's core responsibilities related to Gender-Based/Sexual Misconduct include overseeing the university's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Director may choose an appropriately trained designee(s) as needed.

The Interim Director of Title IX and Clery Compliance/Title IX Coordinator is:

Michael Walker, Ed.D.

Associate Vice Chancellor for Student Affairs, Dean of Students

Campus Box 5982

Alderman Hall 101

(910) 962-3117

TitleIX@uncw.edu

Deputy Title IX Coordinator

The Interim Deputy Title IX Coordinator is:

Leigh Fickling, J.D., M.Ed. M.S.

Director, Disability Resource Center

Campus Box 5492

DePaolo Hall 1043

(910) 962-7555

TTY: 800.735.2962

ficklingl@uncw.edu

V. DEFINITION OF VIOLATIONS AND RELATED TERMS

A. SEXUAL MISCONDUCT

State law defines various violent and/or non-consensual sexual acts as crimes. Title IX defines a limited number of types of sexual misconduct for purposes of the Title IX regulations. In addition to both of those sources, UNCW has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, UNCW considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion, for students who commit such offenses. However, UNCW reserves the right to impose any level of sanction, including, but not limited to educational sanctions, a written warning, disciplinary probation, removal from housing, housing

reassignment, suspension, expulsion, or a combination thereof for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating/domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual misconduct occurs when sexual acts are attempted or committed without consent and/or by force, threat, coercion, or pressure, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

CONSENT

The definition of consent is central to the recognition of both sexual assault and sexual misconduct. The university defines consent as mutually voluntary permission to engage in sexual activity demonstrated by clear actions and/or words. This decision must be made freely, consciously, knowingly and actively by all participants, as shown by the totality of the circumstances.

Intoxication is not an excuse for failure to obtain consent.

Silence, passivity, acquiescence, or lack of active resistance does not constitute or imply consent on its own.

Previous participation in sexual activity, however recent, does not indicate current consent to participate, and consent to one form of sexual activity does not imply consent to another form of sexual activity.

Consent can be withdrawn at any time.

Consent has *not* been obtained in situations where the individual:

1. is forced, coerced (defined as an unreasonable amount of pressure), manipulated, or has reasonable fear as the result of a threat (such as, the individual or another will be injured if the victim does not submit to the act); or
2. is incapacitated by alcohol, other drugs, sleep, etc. Because consent must be given consciously, sexual activity is prohibited with someone one knows to be, or should know to be, incapacitated. Incapacitation means the individual cannot make rational, reasonable and informed decisions; or
3. has a mental or physical disability which inhibits or precludes the individual's ability to give knowing consent.

In North Carolina, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor willingly engaged in the act.

OFFENSES INCLUDE:

The 2020 Title IX Regulations enact prescriptive standards for jurisdiction, and in particular, only cover offenses that happen during an "education program or activity," which includes locations, events, or circumstances over which the university exercises substantial control that are within the United States. However, the Code of Student Life covers off-campus conduct when it implicates and impacts UNCW students. Therefore, this policy covers off-campus sexual misconduct, including those offenses that may otherwise meet Title IX definitions but for geographic restrictions. Those offenses include:

1. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

3. DATING VIOLENCE

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the complainant's statement and with consideration of the following factors:

- a. the length of the relationship;
- b. the type of relationship; and/or
- c. the frequency of interaction between the persons involved in the relationship.

4. DOMESTIC VIOLENCE

Domestic violence is defined as abuse or violence committed by:

- a. a current or former spouse of the victim;
- b. a person with whom the victim shares a child in common;
- c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the abuse or violence occurred; and/or
- e. a 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 in which the crime of violence occurred.

Dating and domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

The state definition of domestic violence can be found in North Carolina General Statute § 50B-1 (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_50B/GS_50B-1.pdf) which is applicable to protective orders for domestic violence in North Carolina, but may differ from the definition used by the university to address policy violations.

5. STALKING

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Course of conduct" is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the following behaviors if they occur when it is known or reasonably should have been known that such behavior or one's presence is unwanted by a recipient:

- a. non-consensual communication including in-person communication, telephone calls, voice messages, text messages, e-mail messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- b. following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim; or
- c. surveillance and other types of observation, whether by physical proximity or electronic means.

The state definition of stalking can be found in North Carolina General Statute § 14-277.3A

(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_14)

[/GS_14- 277.3A.pdf](#)) which is applicable to criminal prosecutions for stalking in North Carolina, but may differ from the definition used by the university to address policy violations.

B. OTHER FORMS OF SEXUAL MISCONDUCT

1. SEXUAL EXPLOITATION

Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, in situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- a. sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- b. taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- c. prostituting another student;
- d. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection;
- e. administering alcohol or drugs (such as "date rape" drugs) to another person without that individual's knowledge or consent.

2. SEXUAL HARASSMENT

Sexual harassment is a form of sexual misconduct. Sexual harassment is defined as any unwelcome conduct of a sexual nature, including but is not limited to the following, when it meets the standards set forth below:

- a. unwelcome sexual advances;
- b. requests for sexual favors; and/or
- c. other verbal, non-verbal, or physical conduct of a sexual nature.

Sexual harassment may occur in a single incident, as well as in persistent behaviors. All individuals are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser.

Two Types of Sexual Harassment

1. Hostile Environment

Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent or patently/objectively offensive such that it alters the conditions of education or employment, from both a subjective (the victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances may include, but are not limited to:

- a. the frequency of the conduct
- b. the nature and severity of the conduct
- c. whether the conduct was physically threatening
- d. whether the conduct was humiliating
- e. the effect of the conduct on the victim's mental or emotional state
- f. whether the conduct was directed at more than one person
- g. whether the conduct arose in the context of other discriminatory conduct
- h. whether the conduct unreasonably interfered with the victim's educational or work performance
- i. whether the statement falls under an existing exception to the First Amendment, such as true threats and intimidation

- j. whether the speech or conduct deserves the protections of academic freedom

2. Quid Pro Quo

Quid pro quo sexual harassment exists when:

- a. there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- b. submission to or rejection of such conduct results in adverse educational or employment action.

3. RETALIATION

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, coercion or any other type of discrimination in response to an individual's complaint or participation in investigation or conduct processes.

It is a violation to retaliate against any person making a complaint of gender-based/sexual misconduct or against any person cooperating in the investigation, including testifying as a witness. For the purposes of this policy, retaliation includes:

- a. intimidation;
- b. threats;
- c. harassment; and/or
- d. any other adverse action taken against any such victim or third party.

Retaliation toward a student who reports sexual misconduct is strictly prohibited. Any act by an individual or their agents, of reprisal, interference, restraint, discrimination, coercion or harassment against any person participating in these procedures shall be subject to prompt and thorough investigation and, if substantiated, subject to disciplinary action under this policy and the Code of Student Life or employment policy.

Retaliation should be reported immediately to the Director of Title IX and Clery Compliance, CARE Advocate, University Police or the Office of the Dean of Students.

4. INTIMIDATION

Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to:

- a. threatening to commit a harmful or sexual act upon another person;
- b. stalking; or
- c. cyber-stalking.

5. OTHER CIVIL RIGHTS OFFENSES, WHEN THE ACT IS BASED UPON GENDER/SEX

Other offenses include, but are not limited to:

- a. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class.
- b. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of actual or perceived membership in a protected class. Discrimination can also involve treating an individual less favorably because of the individual's connection with an organization or group that is generally associated with people of a certain protected class.
- c. Intimidation, defined as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
- d. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the UNCW community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class. Hazing is also

illegal under North Carolina law and prohibited by UNCW policy (Section II-1-B.7 of the *UNCW Code of Student Life*).

- e. Bullying, defined as repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
- f. Violation of any other UNCW rules, when such violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

VI. REPORTING & CONFIDENTIALITY/PRIVACY

It is important to report any gender-based/sexual misconduct as soon as possible, though no formal time limitation is imposed on reporting by the university. There are several ways to take action by filing a:

- 1. criminal complaint with law enforcement authorities;
- 2. university complaint; and/or
- 3. third-party report.

Gender-based/sexual misconduct may constitute both a violation of university policy *and* a criminal offense. The university conduct system is not a substitute for instituting criminal or civil action, so the university encourages complainants to report alleged gender-based/sexual misconduct promptly to university officials *and* to local law enforcement.

University Police and CARE are available to assist complainants in making reports to law enforcement agencies based on jurisdictional boundaries.

A. FILING A REPORT

Anyone who would like to make a complaint of gender-based/sexual misconduct by a UNCW student should contact the university's Director of Title IX and Clery Compliance, an advocate in the CARE Office, University Police, and/or the Office of the Dean of Students. Reports may also be made online at <http://uncw.edu/titleix>.

Any responsible university office or employee receiving notice of gender-based/sexual misconduct is required to file a report with the Director of Title IX and Clery Compliance within one (1) business day of receiving the notice, unless that notice is communicated to an official who can provide professional confidentiality (see Confidential Resources herein). Clery Act crime statistic and timely warning reporting duties must also be observed.

Allegations of gender-based/sexual misconduct made by a student against a university employee should be reported to the Director of Title IX and Clery Compliance, University Police, Human Resources or the Office of the Dean of Students in accordance with the university's Unlawful Discrimination, Harassment, and Sexual Misconduct Policy which can be found online at <http://www.uncw.edu/policies/conduct.html>.

If a criminal complaint is filed in addition to a complaint with the university, the university will not wait for the conclusion of any criminal investigation or proceedings before proceeding with its own investigation. The university may need to temporarily delay the fact-finding portion of the investigation while law enforcement gathers evidence. In the event of such a delay, the university will take interim measures as needed to protect the complainant and the university community. The university will promptly resume and complete its fact-finding portion of the investigation once it learns that law enforcement has gathered evidence for the criminal investigation.

B. CLERY ACT REQUIREMENTS

FEDERAL STATISTICAL REPORTING REQUIREMENTS

All university employees, including the confidential resources of the Abrons Student Health Center and CARE, but not professional or pastoral counselors, are required to report non-identifying statistical information about certain crimes, including any alleged sexual misconduct, dating

violence, domestic violence, or stalking, as required by state and federal law, and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This statistical information is used for compiling the annual UNCW Annual Security Report and by the Office of Title IX and Clery Compliance and University Police for purposes of advising the campus community of any potential safety risks or concerns.

FEDERAL TIMELY WARNING REQUIREMENTS

Victims of gender-based/sexual misconduct should also be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

VII. CONFIDENTIALITY/PRIVACY

In compliance with applicable laws and regulations, the university will take precautions to protect the confidentiality/privacy of both parties. However, complainants should understand that under conditions of imminent harm to the community, the university is obligated by federal law to inform the community of the occurrence for the protection of all members of the community. Additionally, the university cannot control confidentiality violations by non-university members who may be involved as witnesses or participants in an investigation or conduct hearing nor can the university control confidentiality violations by complainants/respondents after they receive outcome notifications.

A complainant may make a request for confidentiality/privacy at any point. This type of request means that the complainant does not want their identity known to the respondent and witnesses, or that the complainant wishes to withdraw the report. If at any point the complainant requests privacy, the university will make all reasonable attempts to comply with this request. In a situation where a complainant requests privacy, or removal from the investigative or campus adjudicatory process, the university's ability to investigate, respond to, or assign penalties for the allegations may be more limited.

VIII. UNIVERSITY REQUIREMENTS

The university weighs the complainant's request for confidentiality/privacy with the university's commitment to provide a reasonably safe and nondiscriminatory environment. There are situations in which the university may override the complainant's request for confidentiality in order to meet its Title IX obligations, including but not limited to cases which:

1. involved significant violence;
2. the university has reason to believe that the perpetrator has harmed more than one individual;
3. the university has reason to believe there are multiple perpetrators;
4. the university has received prior reports of alleged misconduct at that location;
5. there is deemed to be a threat of significant danger to the university community; or
6. involves minor status.

These instances will be limited and, to the extent possible, the university will only disclose information regarding alleged incidents to individuals who are responsible for or involved in the university's response.

If the university determines that it must disclose the complainant's identity to respondent, the Director of Title IX and Clery Compliance will inform the complainant prior to making the disclosure and will take interim measures necessary to protect the complainant and ensure the safety of others.

A complainant who initially requests confidentiality may later retract that request and ask that a full investigation be conducted.

IX. THE INVESTIGATIVE PROCESS

In accordance with state and federal laws, both the respondent and complainant are permitted to have a support person (not an active participant in the process but present for emotional support) and a university advisor, licensed attorney or non-attorney advocate accompany them through the campus conduct process (state law). The advisor/advocate may be a licensed attorney, non-attorney advocate or university advisor selected by the student or appointed by the university. Students are permitted these options at any point through the initial intake process, formal investigation and/or hearing process. Students who wish to use a licensed attorney or non-attorney advocate must do so in compliance with procedures established by the Office of the Dean of Students, as described in Section II-2-I of the *Code of Student Life*.

Reports of gender-based/sexual misconduct will be investigated in a thorough and timely manner as follows:

A. INITIAL INVESTIGATION (“Intake”)

Upon receipt of notice of any allegation of misconduct, the Director of Title IX and Clery Compliance or designee will send a letter via e-mail to the complainant verifying receipt of the complaint and informing the complainant of various support services. The complainant will be invited to meet with the Director of Title IX and Clery Compliance so the complainant can learn about their options under this policy. This meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant’s academic, university housing and/or university employment arrangements (see Academic Accommodations and Interim Measures herein). If the complainant attends the meeting, the complainant will have an opportunity to identify the respondent, if possible, and provide other initial details, and may elect to provide a written account of the incident. The Director of Title IX and Clery Compliance will gather initial information and determine whether the information, if true, would constitute a violation of this policy. At the conclusion of the intake process, the Director of Title IX and Clery Compliance will determine whether there is sufficient information to proceed with a formal investigation.

B. FORMAL INVESTIGATION

If the decision is made to proceed with a formal investigation, the process will begin by written notice being provided to both parties. The Director of Title IX and Clery Compliance will prepare and forward a formal complaint to trained Title IX investigators. The formal complaint will include the name of the respondent, the date, location and nature of the alleged misconduct, and a list of any potential witnesses that may need to be interviewed. The complainant may, but is not required to, also provide a thorough written narrative of the incident to aid in the initial investigation. This statement will be used in the conduct process.

If the complainant does not wish to participate in the formal investigation, actions will be taken as outlined in the “Confidentiality/Privacy” section herein. The university may issue an administrative order of no contact or take other reasonably necessary interim measures as described previously herein, in order to provide a safe and nondiscriminatory environment for all students. The university may also elect to proceed with a formal investigation in the absence of participation from the complainant.

C. TITLE IX INVESTIGATORS

Title IX Investigators are persons who have been designated by the Director of Title IX and Clery Compliance and who have undergone training on investigative methods and UNCW policy. Investigators may include trained faculty, staff, and university administrators. Upon consultation with the Office of General Counsel, the Director of Title IX and Clery Compliance may appoint external investigators to investigate any case. Investigators are neutral fact-finders who typically conduct interviews and follow-up interviews with the complainant, the respondent, and third-party witnesses. At the conclusion of the interviews the Investigators will submit an Investigative Report to the Director of Title IX and Clery Compliance including but not limited to summaries of the case

and any relevant evidence – including but not limited to photographs, electronic and forensic evidence – and a detailed written description of the events in question which could constitute a violation of this policy. If a hearing is conducted, the Investigators will attend the hearing to provide testimony about the results of their investigation.

A typical investigation will be completed in sixty (60) days, if not sooner. Reasonable extensions of time are permissible and both parties will be notified in writing if any extension is needed. The investigative report will be shared with the Dean of Students and the Office of General Counsel.

After reviewing the Investigative Report, the Director of Title IX and Clery Compliance and Dean of Students, in consultation with the Office of General Counsel, will determine if there is cause under the *Code of Student Life* to conduct a hearing. If cause to conduct a hearing exists, the Director of Title IX and Clery Compliance will then meet with the complainant to determine whether or not they wish to proceed with a hearing. Generally, the complainant's request will be respected, unless a situation exists that would require the university to override a request not to have a hearing consistent with section VIII of this policy.

If a hearing is granted, the formal resolution process will begin with written notice provided to the complainant and respondent, and both parties will then receive a copy of the Investigative Report. The parties are expressly prohibited from further sharing or re-disclosing the report, except to a designated university advisor, licensed attorney, non-attorney advocate, and/or support person.

If no hearing occurs, both parties will be informed in writing. A complainant whose request for a hearing is denied may appeal that decision in writing within five (5) business days to the Vice Chancellor for Student Affairs, whose decision will be final.

X. FORMAL RESOLUTION PROCESS

If a hearing is granted, the formal resolution process will begin by written notice being provided to both parties. The hearing will be conducted by an external adjudicator.

A. PRE-HEARING/INITIATION OF CHARGES

The Office of the Dean of Students will initiate conduct charges by issuing a letter to both the complainant and respondent requesting individual pre-hearing meetings with each party. A pre-hearing meeting is designed to introduce a complainant and respondent to the campus conduct process, including familiarizing the parties with student rights and responsibilities. This generally consists of meeting with a student conduct administrator in the Office of the Dean of Students. During the pre-hearing a complainant will:

1. be apprised of rights and responsibilities;
2. be apprised of all relevant evidence available at that time;
3. choose whether or not to have an advisor, licensed attorney or non-attorney advocate for consultation during the process (as previously stated, both parties may enjoy this support starting at the intake or formal investigation stages as well).

During the pre-hearing a respondent will:

1. be apprised of rights and responsibilities;
2. be apprised of all relevant evidence available at that time;
3. choose whether or not to have an advisor, licensed attorney or non-attorney advocate for consultation during the process;
4. agree or disagree with the charge(s).

B. ADMINISTRATIVE HEARING

A respondent has the right to accept responsibility for the charge(s) and request an immediate administrative "sanctioning" hearing. An administrative hearing is a hearing conducted by a student conduct administrator in the Office of the Dean of Students. Administrative hearings are closed hearings, which are closed to the general public. The university also reserves the right to forward the case directly to the external adjudicator.

C. EXTERNAL ADJUDICATOR

The Director of Title IX and Clery Compliance shall appoint an external adjudicator to hear the case. The external adjudicator used in the process will receive annual training in their responsibilities that draws on professional and expert resources. The external adjudicator will conduct a hearing following the procedures set forth in this policy and the *Code of Student Life*. The procedure may include, but is not limited to, a presentation of the Investigative Report from the investigators, testimony from parties involved and relevant witnesses and any other relevant evidence. The external adjudicator will determine whether any section of the GBSMP has been violated and will decide upon the appropriate sanction. Hearings conducted by the external adjudicator are closed hearings, which are closed to the general public.

In an emergency situation, pursuant to Section II-6-A & B or Section II-2-M. of the *UNCW Code of Student Life*, the Vice Chancellor for Student Affairs or designee shall have the power to invoke summary suspension. Summary suspension is an action requiring that a student immediately leave the campus and university property. It may be imposed when there is reasonable cause to believe, based on available facts, that the student may be an immediate threat to the safety of themselves, other members of the university community, or university property, or is disruptive without relief to the university community.

Any student who is suspended on a summary basis and returns to the campus and university property during suspension shall be subject to further disciplinary action and may be arrested for criminal trespass. In addition, violation of any relevant no contact order or other interim measures during the period of summary suspension will also result in further disciplinary action. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Office of Title IX and Clery Compliance or the Office of the Dean of Students, or to participate in campus disciplinary procedures) may be granted by the Office of the Dean of Students or designee and requires 24-hour advance notice.

When a student is suspended on a summary basis, the student is given notice containing the reasons for suspension, the duration and any conditions that apply and the link to the website for the UNCW Code of Student Life, which also contains the Student Gender-Based/Sexual Misconduct Policy. A student notified of such summary suspension may, within ten (10) business days of the written notice of suspension, request through the Office of the Dean of Students or designee a hearing before an external adjudicator. The hearing shall normally be conducted within ten (10) business days of the student's request for a hearing. Reasonable extensions of time may be allowed.

The external adjudicator may ratify the Vice Chancellor's action and continue the conditions of the summary suspension, reverse it or take any other appropriate action, including assigning sanctions. In such emergency situations, the Vice Chancellor for Student Affairs shall inform the Chancellor of all actions taken either summarily or by the external adjudicator under the authority of this policy.

D. STANDARD OF PROOF

Consistent with other conduct cases, the standard of proof for all allegations of gender-based/sexual misconduct will be preponderance of evidence, which means that there is greater than a 50% likelihood the respondent is responsible for the alleged violation.

E. RECORDING

All conduct hearings will be transcribed by a transcriber present at the hearing. In the event that such a transcriber is not available, the hearing will be audio recorded.

F. RANGE OF SANCTIONS

Sanctions include, but are not limited to written warning, educational sanctions, disciplinary probation, removal from housing, housing reassignment, suspension, or expulsion from the university.

G. OUTCOME NOTIFICATION

Both the complainant and respondent will be notified simultaneously in writing of the outcome of sexual misconduct cases within a reasonable period of time after the hearing concludes (typically two business days). Complainants in non-consensual sexual contact/intercourse, , dating violence, domestic violence, stalking, statutory rape and incest cases have an absolute right to be informed of the outcome and relevant sanctions of the hearing, in writing, without condition or limitation. An explanation of appeal rights will be included in such notifications.

H. APPEAL PROCESS

Both the complainant and the respondent have the right to appeal the outcome of GBSMP cases. An “Intent to Appeal” must be filed within two (2) business days after notification of the original decision. The “Request for Appellate Consideration Form” must be submitted within five (5) business days after notification of the original decision. Reasonable extensions of time are permissible upon request prior to the deadline for submission. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student’s appeal. Original sanctions (with the exception of summary suspension) are normally put into effect only after the final appellate decision has been made. The grounds for appeal in cases involving gender-based/sexual misconduct are listed below:

COMPLAINANT

- a. An alleged violation of the rights guaranteed the complainant has occurred; or
- b. The sanction did not represent the severity of the violation committed; or
- c. New evidence, not available during original adjudication, has been discovered which may have bearing on the outcome.

RESPONDENT

- a. An alleged violation of the rights guaranteed the respondent has occurred; or
- b. The sanction is too severe for the violation; or
- c. New evidence, not available during original adjudication, has been discovered which may have bearing on the outcome.

APPEAL PROCEDURES

The Gender-Based/Sexual Misconduct Appeal Panel is comprised of three (3) vice chancellors or their designees.

Upon receiving a petition, the Appeal Panel shall obtain the full record of the external adjudicator/student conduct administrator. The record shall include the investigative report, the hearing transcript, the decision of the hearing including a case summary and rationale for supporting the decision, and other relevant documents. With this information, the Appeal Panel will conduct an Appellate Review based on one or more of the three options for an appeal outlined above. Both the complainant and respondent typically will be notified in writing of the decision within fifteen (15) business days after receipt of the petition. Reasonable extensions of time are permissible.

The Appeal Panel will review all written correspondence associated with the case and any new evidence submitted that was not available during the original adjudication. The Appeal Panel may request additional documents and information from the external adjudicator that heard the case, and may invite the complainant, the respondent, the external adjudicator, the investigators and such other persons as deemed appropriate to appear to make statements and respond to questions. If the Appeal Panel needs to meet with any of the aforementioned individuals, notification shall be given in writing at least two (2) business days prior to the date set for the meeting, specifying time and place of the meeting and informing the complainant and/or respondent of their rights as outlined herein.

The Appeal Panel has the authority to approve, reject or modify the decision in question or to remand the case back to the external adjudicator. For cases that do not result in suspension or expulsion, the decision of the Appeal Panel is final.

Consistent with Section 502 D (3) of the UNC Policy Manual, where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been denied. This appeal is for an individual student conduct case (not campus organizations), provided the appeal is based on 1) violation of due process; or 2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted. For suspension or expulsion level cases, the appeal to the Board of Trustees is final.

II. STUDENT RESPONSIBILITIES & RIGHTS

A. STUDENT RESPONSIBILITIES

These responsibilities and rights are applicable to complainants, respondents, and witnesses, as indicated below.

1. To know and adhere to the *UNCW Code of Student Life*.
2. To be honest and complete in all information they provide in the process.
3. To comply with all reasonable requests for meetings or hearings in a timely manner.
4. To provide a list of witnesses and any documentary evidence to the Office of the Dean of Students at least five (5) business days prior to the hearing. Documentary evidence should be organized chronologically and each page shall be numbered. When possible, all such evidence should be submitted electronically. It is the complainant's and respondent's responsibility to notify their witnesses of the day, time and location of the hearing.
5. To request dispensation from the relevant court to enable a hearing to occur in cases where the parties are subject to a Domestic Violence Protective Order (DVPO);
6. To complete any imposed sanctions on time and consistent with the decision in their case (*for respondents*).
7. To comply with all interim measures, including but not limited to, administrative orders of no contact, housing reassignments, and other administrative remedies assigned by the university.
8. To participate in a manner that is civil and respectful.
9. To submit a challenge to the selection of designated investigators or adjudicators if a perceived conflict of interest exists. The Director of Title IX and Clery Compliance or designee will approve or deny any challenges.

B. COMPLAINANT RIGHTS

1. To an investigation and appropriate resolution of all credible complaints of gender-based/sexual misconduct made in good faith to responsible employees.
2. If a determination is made that a hearing will occur:
 - a. To a pre-hearing meeting with a student conduct administrator where rights, responsibilities and procedures are explained.
 - b. To review all available information, documents, and a list of witnesses that may testify against the complainant in the Office of the Dean of Students. Where appropriate, copies of available information and documents will be provided.
 - c. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
 - d. During an administrative or external adjudicator hearing, both the complainant and the respondent will be permitted to question the testimony of the other. All questions will be posed to the external adjudicator and the external adjudicator will repeat, on behalf of the questioner, the question to be answered, unless a question is deemed irrelevant, unduly repetitive, or in violation of this GBSM Policy, federal or state law, and/or Department of Education Office of Civil Rights guidance.

- e. To elect not to appear at the hearing. A complainant who elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
- f. To elect to participate remotely as outlined in Alternative Testimony Options in Section XII.D.
- g. To a university advisor, licensed attorney or non-attorney advocate (see Section II-2-H and I of the *Code of Student Life*).
- h. To an advocate or advisor as well as a support person during the hearing. The support person(s) may not participate in the hearing. Professional victim advocates are available to complainants through UNCW CARE and the Rape Crisis Center.
- i. To remain present during the entire proceeding, excluding deliberation.
- j. To not have prior sexual history with anyone other than the respondent admitted as evidence.
- k. To refuse to answer any questions or make a statement; however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
- l. To make a “victim impact statement” if the respondent is found in violation of the *Code of Student Life*.
- m. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
- n. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
- o. To be informed in writing of the outcome and any sanction(s) of the conduct hearing (usually within two business days) of the end of the hearing.
- p. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.

C. RESPONDENT RIGHTS

- 1. To an investigation and appropriate resolution of all credible complaints of gender-based/sexual misconduct made in good faith to responsible employees.
- 2. If a determination is made that a hearing will occur:
 - a. To a pre-hearing meeting with a student conduct administrator where rights, responsibilities and procedures are explained.
 - b. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be forwarded to the respondent. Notices are sent via e-mail pursuant to Section II-2-A.
 - c. To review all available information, documents, and a list of witnesses that may testify against the respondent in the Office of the Dean of Students. Where appropriate, copies of available information and documents will be provided. Released documents/evidence will not include items such as medical information or other sensitive information or documentation.
 - d. To accept responsibility and request an immediate administrative “sanctioning” hearing (although the university reserves the right to forward the case to external adjudicator).
 - e. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
 - f. During the hearing, both the complainant and the respondent will be permitted to question the testimony of the other. All questions will be posed to the external adjudicator and the external adjudicator will repeat, on behalf of the questioner, the question to be answered, unless a question is deemed irrelevant, unduly repetitive, or in violation of this GBSM Policy, federal or state law, and/or Department of Education Office of Civil Rights guidance.
 - g. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the respondent's absence). A respondent who elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
 - h. To elect to participate remotely as outlined in Alternative Testimony Options in Section XII.D.

- i. To know the identity of witnesses testifying against them.
- j. To a university advisor, licensed attorney or non-attorney advocate (see Section II-2-H and I).
- k. To an advocate or advisor as well as a support person during the hearing. The support person(s) may not participate in the hearing.
- l. To refuse to answer any questions or make a statement; however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
- m. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
- n. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
- o. To be informed in writing of the outcome and any sanction(s) of the conduct hearing, usually within two business days of the end of the hearing.
- p. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.

III. SPECIAL PROVISIONS

A. PRESUMPTION OF NON-RESPONSIBILITY

The investigation is a neutral, fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where the external adjudicator determines that, by a preponderance of evidence, there is sufficient information to support a finding that the respondent violated this policy.

B. ATTEMPTED VIOLATIONS

The university may investigate and take appropriate action regarding attempts to commit any of the violations listed in this policy as if those attempts had been completed.

C. UNIVERSITY AS COMPLAINANT

The university's role is to investigate complaints and, when appropriate, to provide a process to find fact and assign appropriate remedies. As such, the university typically assumes the role of "presenter" during campus conduct proceedings. However, as necessary, the university reserves the right to initiate a complaint, to serve as the complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

D. FALSE REPORTS

The university will take appropriate action toward intentional false reporting of incidents. It is a violation of the *Code of Student Life* to make an intentionally false report or any policy violation, and it may also violate state criminal statutes and civil defamation laws.

E. ALTERNATIVE TESTIMONY OPTIONS

For gender-based/sexual misconduct complaints, alternative testimony options will be given, including but not limited to placing a privacy screen between the complainant and the respondent in the hearing room, telephone conference call or allowing a party to testify from another room via closed circuit. These alternative testimony options will remain in place throughout the process. Neither complainant's nor respondent's university advisor, licensed attorney, non-attorney advocate, or support person will be permitted to have a line of vision to the opposing party. While these options are intended to help make the parties more comfortable, they are not intended to work to the disadvantage of the opposing party.

F. PAST SEXUAL HISTORY/CHARACTER

Questioning about the victim's sexual history with anyone other than the alleged perpetrator will not be permitted. The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct. Testimony about prior sexual relationship between the parties will be permitted only as it is **relevant to the issue of consent**.

While previous conduct violations by the respondent are not generally admissible prior to discussion of sanction recommendations, the Dean of Students/designee may supply previous complaint information to the hearing body when presenting a final statement prior to deliberation, or may consider it if the Dean of Students/designee is hearing the complaint, if:

1. The respondent was previously found to be responsible;
2. A previous incident/complaint was substantially similar to the present allegation and/or;
3. Information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

G. IMPACT ON STUDENT ENROLLMENT

For gender-based/sexual misconduct complaints, alternative testimony options will be given, including but not limited to placing a privacy screen between the complainant and the respondent in the hearing room, telephone conference call or allowing a party to testify from another room via closed circuit. These alternative testimony options will remain in place throughout the process.

XI. RESOURCES

UNIVERSITY RESOURCES

CARE	910-962-2273 / after hours at	910-512-4821
University Police		911 or 910-962-2222
Counseling Center		910-962-3746
Student Health Center		910-962-3280
Office of the Dean of Students		910-962-3119
Housing and Residence Life		910-962-3241
Office of Title IX and Clery Compliance		910 -962-3557

LOCAL RESOURCES

Rape Crisis Center	910-392-7460 or (800) 672-2903
Domestic Violence Shelter & Services	910-343-0703
New Hanover Regional Medical Center	910-343-7799
Cape Fear Memorial Hospital	910-452-8100
Wilmington City Police	911 or 910-343-3600
New Hanover County Sheriff's Office	910-341-4200

FEDERAL RESOURCES

- U.S. Department of Education, Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html>
- U.S. Department of Justice Office on Violence Against Women
<https://www.justice.gov/ovw>

DISABILITY ACCOMMODATIONS AND GRIEVANCE PROCEDURE

Consistent with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act as amended, the University of North Carolina Wilmington protects individuals with disabilities from discrimination on the basis of disability, and is committed to providing reasonable accommodations to enable qualified students with documented disabilities to have equal access to all academic and campus programs and services.

To assure an inclusive environment, both physical and programmatic access must be provided. The Disability Resource Center (DRC) is the designated office that provides services to students with disabilities who are enrolled at UNCW. Students with disabilities seeking information or accommodations should visit www.uncw.edu/disability.

UNCW provides a process by which students may seek resolution of grievances due to disability-related discrimination or who believe the accommodations and services afforded them are

inappropriate to provide access. The University has adopted internal procedures designed to provide prompt and equitable resolution to disability-related complaints. This process is currently available online through DRC's website.

Disability Grievance and Appeal Procedure: <https://www.uncw.edu/disability/grievance.html>

UNCW ALCOHOL POLICY

POLICY 05.303

Policy Regarding the Possession and Consumption of Alcoholic Beverages on the Campus of the University of North Carolina Wilmington **(reformatted and revised July 1, 2011, updated May 23, 2016; revised October 2019)**

I. PURPOSE

The University of North Carolina Wilmington permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms subject to applicable law. This policy is designed to promote the positive use or nonuse of alcoholic beverages in a responsible manner.

II. SCOPE

University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state or municipal law regarding their purchase, possession or consumption. This policy is applicable to all property owned or leased by the university.

III. PROHIBITED BEHAVIOR

- A. In accordance with North Carolina law, it is illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.
- B. Alcoholic beverages are not permitted to be sold by any person, organization or corporation on the campus of the university, including property leased by the university, except as set forth in Section V and VI below.
- C. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place within the city of Wilmington. Refer to policy statement IV.C. for the special events exclusion allowed for access-controlled areas.
- D. State funds and student fees collected by the university cannot be used to purchase alcoholic beverages.
- E. Employees of the university may not consume alcohol during regular working hours, unless they take leave and do not return to work.

IV. APPROVAL AND GUIDELINES FOR UNIVERSITY EVENTS

- A. The availability of alcoholic beverages at a university event shall be subject to the approval of the Chancellor or designee "Designees" indicates the Provost, the Vice Chancellor for Business Affairs, or as specifically indicated, the Associate Vice Chancellor – Business Services.
 1. The Alcohol Beverage Permit must be filed with the Associate Vice Chancellor - Business Services seven (7) days prior to the event.
 2. An authorized representative of the UNCW department or sponsoring organization must sign the Alcohol Beverage Permit, acknowledging that all regulations stated in the Alcohol Policy are understood.
- B. Student events at which alcoholic beverages may be consumed can be held only under circumstances in which the sponsoring organization demonstrates reasonable means of insuring the safety of participants and adherence to state law.
 1. The advisor or authorized representative to a sponsoring student organization must have supervised the planning.
 2. An advisor or authorized representative to a sponsoring student organization must be present for the entire event.

- C. Special events at which alcoholic beverages may be brought in by participants; (e.g., athletic tailgating events) are only permitted by departments or department-sponsored programs, within guidelines established by the departmental representative, in coordination with Office of Risk Management and Insurance, UNCW Police and Environmental Health and Safety. Permits and/or waivers will be reviewed and approved in advance by the Chancellor's Designee or the Associate Vice Chancellor – Business Services, at least 14 businessdays prior to the event.
- D. Consumption of alcoholic beverages is only permitted within the approved area designated for the event.
 - 1. Possession and consumption of alcoholic beverages at approved events on the university campus shall be restricted to areas which are not in the public view of students attending classes or students attending planned undergraduate activities, events or programs. Exceptions will be subject to approval of the Chancellor or designee.
 - 2. Use of an Event Manager is encouraged for events that permit alcohol to be served.
 - 3. Use of an approved Event Manager is required for events in which alcohol will be present, but not served by the university's food service contractor. The area must have controlled access.
- E. Consumption of alcoholic beverages during regular working hours of the university (e.g., 4-5 PM) is only permitted when the majority of event participants are not university employees. Exceptions will be subject to approval of the Chancellor or designee.
- F. Non-alcoholic beverages and sufficient quantities of food must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages. Quantities of alcoholic beverages purchased for an event shall be in compliance with guidelines set forth by the National Institute on Alcohol Abuse and Alcoholism.
- G. Alcohol shall only be served by the university's food service contractor, except for events as noted in Section IV.C.
 - 1. The university's food service contractor is responsible to ensure proper identification is provided at the time of the event. Only a governmental-issued picture ID displaying date of birth will be accepted as valid identification.
 - 2. A student, 21 years of age or older, may purchase, possess or consume alcohol within the approved area designated for the event, but is prohibited from aiding or encouraging anyone under the age of 21 to possess or consume alcoholic beverages on campus.
 - 3. Alcohol shall not be served to those exhibiting unusual behavior or impaired speech or motor coordination when such behavior appears to be the result of substance abuse.
- H. Individuals and/or sponsoring organizations or units who fail to comply with this policy and the guidelines for alcohol consumption on campus will be subject to disciplinary action. For employees, such disciplinary action would follow the pertinent misconduct procedures. Students who violate this policy will be referred to the Office of the Dean of Students for disciplinary action.
- I. The signing of the Alcohol Beverage Permit by an authorized person of a UNCW department or sponsoring organization acknowledges that breaking of this agreement may justify revocation of privileges to seek future permission to hold activities where alcoholic beverages can be consumed.
- J. The university shall hold any person who violates the law or any university policy while intoxicated fully responsible for his or her action and the consequences thereof.

V. THE SALE OF UNFORTIFIED WINE AND MALT BEVERAGES AT PERFORMING ARTS EVENTS

In addition to all applicable conditions as set forth in Sections III and IV above, the sale of unfortified wine or malt beverages at performing arts events is allowed but are subject to all of the following restrictions:

- A. Sales can only be approved by the Chancellor or designee. Permits and/or waivers will be reviewed and approved in advance by the Chancellor's Designee, or the Associate Vice Chancellor – Business Services, at least fourteen (14) business days prior to the event. Each permit request shall have the endorsement of the Director of the Office of the Arts or the Provost.

- B. Sales are limited to events being held either in Kenan Auditorium or in a performing arts space in the Cultural Arts Building;
- C. Eligible events must meet both of the following criteria:
 - 1) The event begins after 5:00 PM; and,
 - 2) The majority of the performers are 21 years of age or older
- D. Sales must be on-premises consumption.
- E. Sales of unfortified wine and/or malt beverages must be conducted by the university's contracted food service vendor with the appropriate permit.
- F. Sales must be made in accordance with North Carolina law.

VI. THE SALE OF UNFORTIFIED WINE AND MALT BEVERAGES IN ATHLETICS FACILITIES

In addition to all applicable conditions as set forth in Sections III and IV above, the sale of unfortified wine and/or malt beverages in athletics facilities is allowed, subject to the following restrictions:

- A. The sale of unfortified wine and/or malt beverages may occur only in athletics facilities for which the university has been issued permits by the Alcoholic Beverage Control Commission.
- B. The university may restrict sales within permitted athletics facilities to certain events.
- C. The university may establish specific times for alcohol sales during the event.
- D. The university may establish limits on the number of alcoholic drinks purchased per transaction and/or per event.
- E. The sales must be for consumption on-premises. Any such sale of unfortified wine or malt beverage must be conducted by the university's food service contractor.
- F. All sales must be made in accordance with North Carolina law.

ALCOHOL MARKETING POLICY 05.304

Statement of Principles Regarding the Marketing of Alcoholic Beverages on the UNCW Campus

I. PURPOSE

Alcohol abuse poses a serious threat to the health and welfare of a large segment of the college student population through acts of vandalism and property damage, increased incivility, automobile and other types of accidents, lessening of academic performance, estrangement of social relations and, in some cases, bodily injury, illness and death.

Inappropriate and irresponsible marketing and promotion of alcoholic beverages on campus can contribute to the problems of alcohol misuse and abuse. The development of campus policies which protect the health and welfare of college students is an important responsibility of the UNCW community. Institutional policies, practices and regulations should form the basis of a responsible approach to proper management of alcohol on campus. Carefully monitoring and setting strong guidelines regarding alcohol marketing is a proven strategy to aid in the creation a healthier campus environment.

II. GUIDELINES

The following guidelines are to govern alcohol marketing practices on the UNCW campus:

- 1. Alcohol beverage marketing programs specifically targeted for students and/or held on campus should conform to the *UNCW Code of Student Life* and state law. They must avoid demeaning sexual or discriminatory portrayal of individuals and/or groups.
- 2. Promotion of alcoholic beverages should not encourage any form of alcohol abuse, nor should it place emphasis on quantity and frequency of use (i.e. "all you can drink").
- 3. Alcoholic beverages (such as kegs or cases of beer) should not be provided as free awards to individual students or campus organizations.

4. No uncontrolled sampling as part of campus marketing programs should be permitted and no sampling or other promotional activities should include “drinking contests.”
5. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Office of the Dean of Students.
6. Display or availability of promotional materials should be determined by the Office of the Dean of Students in consultation with the Chancellor’s Committee on Substance Abuse.
7. Informational marketing programs should subscribe to the philosophy of responsible and legal use of the products represented.
8. Alcoholic beverages marketers will be encouraged to support campus alcohol education programs that encourage informed and responsible decisions about the use or nonuse of beer, wine or distilled spirits.
9. Alcoholic beverages advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as an appropriate coping mechanism for personal or academic problems of students or as positively correlated with social, sexual or academic success.
10. Advertising and other promotional campus activities should not associate beverage alcohol consumption with the performance of sports or tasks that require skilled reactions such as the operation of motor vehicles or machinery.
11. Advertisement posting for any university event when alcoholic beverages are served shall note the availability of non-alcoholic beverages as predominantly as alcohol. Alcohol should not be used as an inducement to participate in a campus event.
12. Alcoholic beverages marketers are not permitted to promote their products on campus unless they agree to abide by the above marketing guidelines. The vice chancellor for student affairs, in consultation with the Chancellor’s Committee on Substance Abuse, will be responsible for implementing these guidelines.

Students or student organizations cited for a violation of UNCW alcohol policies will be subject to the provisions outlined in the *UNCW Code of Student Life*.

COMMUNICABLE DISEASE POLICY STATEMENT

POLICY 05.331

I. PURPOSE

Prompt recognition and identification is the first step in the control of any communicable disease, whether it is prevalent, emerging or used for bioterrorism. The University of North Carolina Wilmington acknowledges the seriousness of this public health problem and in an effort to be prepared for and control communicable diseases, which affect faculty, staff, students, visitors or employees on campus, has developed the following policy and procedures.

II. POLICY

- A. UNCW’s Environmental Health and Safety, Human Resources and Student Health Services shall provide training and/or ongoing educational campaigns to persons about communicable diseases.
- B. Persons with communicable diseases shall not be excluded from enrollment or employment or restricted in their access to university facilities, programs or services unless a medically based judgment, in an individual case, establishes that exclusion or restriction is necessary for the health and safety of the individual or the health and safety of other members of the university community.
- C. Students who know, or have reasonable basis for believing, that they have a communicable disease are encouraged to share that information with clinicians in the University Counseling Center or Abrons Student Health Center, so that the university can respond appropriately to their health and educational needs. Faculty and staff who know, or have reasonable basis for believing, that they have a communicable disease are encouraged to share that information with their supervisor, health care provider, Environmental Health and Safety, Human Resources and Student Health Services, as appropriate, so that the university can respond appropriately to their

health and educational needs. Any such disclosure shall be treated by the recipient as strictly confidential and no further disclosure shall be made within or without the university unless such release is made pursuant to provisions of law that specifically authorize or require the release of such information or records.

- D. Persons who know, or have reasonable basis for believing, that they have a communicable disease are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge for the protection of other members of the university community.
- E. Persons who have or have been exposed to a communicable disease that endangers the health or others in the work place may be granted administrative leave for a specified period of time, as per the Leave for Exposure to Communication Disease Policy established by the Office of State Personnel. The policy can be reviewed online at:
<https://oshr.nc.gov/policies-forms/workplace-wellness/communicable-disease-emergency>

III. PROCEDURAL GUIDELINES

- A. The Communicable Disease Planning Committee is responsible to advise the chancellor's office of campus initiatives for addressing communicable diseases. The council will work with other administrators, such as directors and department heads, to ensure that relevant information about communicable disease is available to all faculty, staff and students and that more detailed information and personal consultation is available upon request.
- B. Printed information about communicable diseases is available in Environmental Health and Safety, Human Resources and Student Health Services (i.e. Abrons Student Health Center and Health Promotions), Student Recreation Center, Fisher University Union, academic buildings and residence halls.
- C. Faculty and staff who have knowledge of highly contagious diseases (i.e. meningitis, tuberculosis, SARS, etc.) shall notify the highest level administrator who will initiate the communication cascade which may include university officials and the New Hanover County Health Department for evaluation, treatment and preventive measures.
- D. The official university spokesperson on communicable disease shall be the chancellor, or designee. All inquiries from the press, from elected public officials, or the public, in general, are to be referred to the university spokesperson.
- E. No persons with a communicable disease shall, on the basis of such fact, be discriminated against in employment, admission or other programs or services.
- F. This policy and the training, ongoing educational campaigns and departmental communication shall be reviewed annually. Recommendations for policy changes may be forwarded to the Chancellor's Council on Health and Wellness through the Vice Chancellor for Students Affairs and/or members of the council.

RESPONSIBLE USE OF INFORMATION TECHNOLOGY **RESOURCES POLICY 07.100.00**

The most current version of this policy and additional IT policies can be found at the following website:

<http://www.uncw.edu/policies/it>

FREEDOM OF EXPRESSION BY NON-UNIVERSITY **SPONSORED INDIVIDUALS OR GROUPS** **POLICY 02.340**

I. PURPOSE

The University of North Carolina Wilmington is a community which embraces diversity. The university supports activities that encourage tolerance, understanding, respect and appreciation for different points of view. The U.S. Constitution supports freedom of expression as a fundamental right. This founding principle requires not our individual agreement with contrary opinions and

positions, but our support and commitment to the protection of every individual's right to express those opinions and positions. In pursuit of this goal, the university aspires to protect its educational mission while also protecting the first amendment right to free speech and expression. The granting of this privilege does not imply any university endorsement or support for the views expressed by the individual or group.

The Policy on Free Speech and Free Expression Within the University of North Carolina System (1300.8) may be viewed at <https://www.northcarolina.edu/apps/policy/index.php>.

II. POLICY

The following policy provides standards and guidelines necessary to maintain the orderly and essential operation of the university. Any individual or group who violates the policy may lose all privileges to assemble on campus in the future.

III. PROCEDURAL STANDARDS

- A. Non-university sponsored individuals and groups may be authorized to assemble and speak on campus between September first and November thirtieth, and between February first and April thirtieth, and additional dates may be unavailable due to the scheduling of certain campus events.
- B. Any non-university sponsored individual or group (hereafter referred to as "speaker") seeking the opportunity to speak on campus must register with the Office of the Dean of Students at least two business days prior to any activity.
- C. The speaker will be assigned to a specific area- either in front of Wagoner Dining Hall or in the outdoor Amphitheatre- and granted permission to assemble for a duration of four hours (based upon the speaker's request and the availability of the space). On the day of the authorized event, the speaker may request permission from the associate dean of students to speak for up to two additional hours, for a total assembly time of no more than six hours on any particular day. Such requests will be granted, provided there is no other reservation for the space and there is no violation of the policy as described in paragraph III (F) below.
- D. The speaker will be required to have and submit upon request a copy of the registration approved by the Office of the Dean of Students.
- E. The speaker will not under any circumstances be permitted to either sell items or solicit funds, nor use any means of sound amplification.
- F. The speaker will be allowed to continue to assemble for the full duration of time approved on the registration unless:
 - 1. University activity or operations are disrupted, or the speaker is impeding the flow of traffic of passersby, or
 - 2. University property is being damaged, or
 - 3. Unlawful behavior on the part of the speaker, or
 - 4. An imminent threat is posed to the physical safety of the speaker, a visitor or a member of the university community, or
 - 5. The speaker incites a breach of peace.
- G. Speakers who wish to distribute written information must indicate so on their registration forms and may not distribute materials in a way that interferes with the normal flow of passersby or causes litter.
- H. If the UNCW Police Department and/or Office of the Dean of Students determine that a registered speaker is in violation of this policy, the speaker will be asked to leave campus and may be escorted from campus by the University Police.

GRIEVANCE PROCEDURE

POLICY 04.160

I. PURPOSE

If you believe that you have a legitimate grievance against another student or university employee in a matter other than those covered by the Grade Appeals Procedure or those within the jurisdiction of the University conduct system, you may seek a resolution of that grievance through this procedure. If your complaint involves an academic matter, it must be filed before the last day of the next regular semester; if it is not academic related, it must be filed within thirty (30) days of the date the alleged incident occurred or from the date of the consequences of the alleged incident.

II. PROCEDURAL GUIDELINES

- A. To initiate the procedure, first, discuss your complaint with the dean of students or the compliance officer who will advise you of the steps in the grievance process and, depending on the nature of your grievance, will direct you to the appropriate reviewing officer. You may make your complaint to this officer either orally or in writing, but this officer must record your complaint in a written statement identifying you, the conduct you are complaining of and the employee alleged to have engaged in it. In every case, the Compliance Officer will be given a copy of this record.
- B. If you seek personal redress for an alleged wrong, you must be willing to be identified to the person charged. If you are willing to do so, the reviewing officer will notify, in writing, the person charged, stating the nature of the complaint and indicating that an informal inquiry will be conducted. If you are not willing to be identified or you cease to seek personal redress, the institution may pursue an inquiry on the institution's behalf and in its name rather than yours, if it determines that such action is necessary. These latter administrative procedures are initiated by the institution to assure appropriate conduct by its employees (e.g., when the institution seeks to prevent likely recurrence of apparent improper conduct, even though no individual complainant wishes to pursue a personal grievance).

III. FORMAL COMPLAINTS

If your grievance cannot be resolved at an informal level, you may file a formal complaint with the vice chancellor who has administrative jurisdiction over the person named in your complaint. The vice chancellor will then convene the student grievance panel. This committee will hear your complaint and then make its recommendation to the vice chancellor, who will render the decision.

IV. APPEAL

If you are unsatisfied with the resolution rendered by the vice chancellor, you may appeal it to the chancellor, who will render the final decision.

EMERGENCY WEATHER EVENT GUIDELINES

1. University officials closely monitor tropical depressions, tropical storms, hurricanes, and other weather events. Detailed tracking by the campus Emergency Manager begins prior to the first public announcement of a hurricane watch.
 2. In advance of a public announcement of a hurricane watch, students are encouraged during Orientation and via Housing and Residence Life programming to develop plans for evacuation. Upon the campus announcement of potential weather impacts, students and employees are reminded to review those plans.
 3. Classes and other university events will be cancelled by the chancellor when appropriate. The university community will be informed through UNCWAlert (text messages, website, and/or email), university email, media channels, UNCW homepage, UNCW Emergency Hotline 910-962-3991 or 1-888-657-5751 and/or other communication methods as soon as possible after this decision is made.
 4. University officials encourage students to leave campus while a weather event is some distance away and weather conditions permit safe travel. Students who are not traveling to their permanent residences are expected to notify parents and family of their plans and whereabouts.
 5. In the event that a student cannot find alternate shelter for the duration of the hurricane and recovery period, the student should contact or be referred to the Office of the Dean of Students to be informed of potential options.
 6. Students are strongly advised to remove all valuables, medications, and necessities from campus, as well as educational materials they may need in the event of a long-term absence from campus; secure their rooms and apartments; and understand that they will not be able to return to their campus residences until conditions are safe and they are invited to do so via official university channels. Personal belongings are not covered by university insurance.
 7. In the event campus closes, the university will systematically evacuate all non-mandatory personnel from the campus in an orderly manner and will remain closed with access prohibited to all non-mandatory personnel, until further notice.
 8. University Police, Facilities, Environmental Health & Safety, and communications personnel will continue to be on duty around the clock during these storms. Campus officials are in regular contact with local, county and state emergency operations centers as well as UNC System liaisons.
 9. Classes and other university events will resume as directed by the chancellor at the time the learning mission can continue safely. The university community will be informed through UNCWAlert (text messages, website, and/or email), university email, media channels, the UNCW homepage, the UNCW Emergency Hotline 910-962-3991 or 1-888-657-5751 and/or other communication methods as soon as possible after this decision is made.
 10. Student safety when returning to campus is of paramount concern; students should only travel when conditions are safe. If the university re-opens prior to when conditions are safe along the travel route and return is delayed, students are expected to contact instructors to make arrangements for course requirements. When returning to campus, know cellular signals may be unreliable and electronic services may not be available. Students are advised to always know multiple routes of return, have a full tank of fuel, a paper map, and cash before evacuating campus or returning to campus.
- *These guidelines are provided by the UNCW Department of Environmental Health and Safety. Revised June 2022.*

SKATEBOARDING AND ROLLERBLADING

1. Skateboards and rollerblades may be used as a form of transportation on campus. They may only be utilized on sidewalks and/or roadways.
2. Any and all types of trick or exhibition skateboarding or skating is strictly prohibited.
3. Skateboarding and rollerblading are prohibited in/on but not limited to, the following areas:
 - a. All steps and railings
 - b. All flower planters and fountains
 - c. All brick patios
 - d. All curbs
 - e. All outdoor tables and benches
 - f. Inside all buildings
4. Violators of this policy will:
 - a. Be issued a campus citation for \$25.
 - b. Be charged restitution for any damages.
 - c. Have their skateboards or rollerblades confiscated until the fine and restitution for damages are paid in full.
5. All skateboards shall be dismounted and carried across crosswalks.
6. All underage, non-university individuals found in violation of this policy are required to have a parent or legal guardian present to obtain their confiscated property.

HOVERBOARD USAGE

Due to the potential fire risk associated with their use and charging, the indoor operation and/or charging of hoverboards, or self-balancing scooters, or similar type devices in all campus buildings, including residence halls, is prohibited.

PHOTO USE POLICY

As a public university, UNC Wilmington often uses photographic and electronic images of public campus life, events, ceremonies and other activities to advance the mission of the institution.

Students, faculty, staff members and guests of the university may be identified or photographed for publication, broadcast, transmission and/or electronic display by the university. The photographs may also be made available to state, regional, national and international news agencies and media outlets. The images are not published for commercial purposes and do not violate the privacy of any individual or group.

By registering at, visiting or being employed by UNCW and being present in public settings, you authorize the use and reproduction by the university, or anyone authorized by the university, to any photographs taken while at UNCW, without compensation. All negative and positives, photographic prints and digital photo files shall constitute UNCW property, solely and completely.

DRONE POLICY

Recreational use of drones (also known as Unmanned Aircraft Systems) on all university property is prohibited.

FEDERAL LAW

I. SUPPLEMENT I: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED*

SEX DISCRIMINATION PROHIBITED

Sec. 901.(a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

6) This section shall not apply to membership practices--

(A) of a social fraternity or social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education.

*P.L. 92-318 (1972) and P.L. 93-568 (1974)