

GUIDELINES

to the

UNC Charlotte Code of Student Responsibility

The UNC Charlotte Code of Student Responsibility (the Code) sets forth certain rights and responsibilities in matters of student discipline. The Code defines these responsibilities and guarantees you certain rights that ensure your protection from unjust imposition of disciplinary penalties. You should familiarize yourself with the provisions and procedures of the Code.

Note: These guidelines provide a brief summary of the Code and are intended only as a quick reference for UNC Charlotte students. Please refer to the full Code for complete policies and procedures, available at legal.unc.edu/policies/up-406 or the Dean of Students Office.

CONDUCT RULES AND REGULATIONS

Below are brief summaries of conduct subject to disciplinary action. **Please rely on the Code for full explanations of prohibited conduct.**

- Inflicting **physical injury** or fear of physical injury; engaging in **relationship violence**; inflicting severe **emotional distress**; engaging in **"fighting words" harassment**; engaging in **stalking**.
- Possessing, using, or storing a **Weapon, dangerous chemical, fireworks, or explosive**.
- Initiating a **false report**, warning, or threat of an emergency.
- **Interfering** with normal University activities.
- Knowingly **violating the terms of sanctions** imposed under the Code.
- Possessing, consuming, using, manufacturing, selling, or delivering any **controlled substance or drug paraphernalia**.
- **Setting fires or misusing or damaging** fire safety equipment or elevators.
- Furnishing **false information** to the University; misrepresenting one's organizational affiliation to entice a person into joining an organization.
- **Forgery**, unauthorized alteration, or **unauthorized use or misuse** of any document or instrument of **identification**.
- Unauthorized making of **audio, photographic, or video**

record of any person while on University premises without his/her knowledge or consent when such recording is likely to cause injury, embarrassment, or distress.

- **Theft** of property or services; **unauthorized use or access** to private or confidential information; **possessing stolen property**.
- **Destroying or damaging** property.
- **Failing to comply** with reasonable directions of University officials.
- **Violating University regulations or policies**.
- Possessing, consuming, or distributing **alcoholic beverages** in violation of law or policy or operating a motor vehicle under the influence alcohol. (See also University Policy 706, "Alcoholic Beverages.")
- Engaging in **Sexual Misconduct**
- **Being present in or using** University premises, facilities, or **property without University authorization**.
- Using or possessing **fireworks**.
- **Disorderly conduct** or conduct that **disrupts or interferes with** the normal functions of a class.
- **Hazing**. (See also University Policy 405, "Hazing.")
- **Computer abuse or misuse**. (See also University Policies 302, 303, 304, 307, and 601.14.)
- **Gambling** for money or other things of value
- **Being present** during or **condoning** prohibited behavior.
- Commission of an act that is a **felony, violation of N.C. General Statutes, or violation of federal law**

Attempts to commit acts prohibited by the Code are treated in the same way as completed violations.

CASE REFERRALS

Any Student, faculty member, University employee, or University administrator may refer a Student, Student Group, or Student Organization suspected of violating the Code to the [Dean of Students Office](#). The referral must be in writing and must include factual information supporting the allegation. Referrals should be made as soon as possible after the alleged conduct violation. Anonymous referrals are not permitted.

Based on such a referral, the Director of Student Conduct or designee will determine whether an Informal Charge or a Formal Charge shall be pursued and whether that charge constitutes a [Minor Violation](#) or a [Serious Violation](#), based on the Student's prior record or facts and circumstances related to the case.

INFORMAL RESOLUTION AND WAIVER OF FORMAL CONDUCT PROCEDURES

A Respondent who accepts an Informal Resolution must accept responsibility for the violation(s) and the sanction(s) imposed by the Director of Student Conduct or designee, and waives his/her right to Formal Conduct Procedures. If the violation(s) includes charges of Sexual Misconduct, Relationship Violence, and/or Stalking, the Complainant must also be informed of the Informal Resolution, and the Informal Resolution will not be final unless the Complainant also agrees to the Informal Resolution as it relates to those charges, as set forth in Chapter 8, Section V(c) of the Code. The Director of Student Conduct or designee must determine that the acceptance of an Informal Resolution is voluntary and that the charge(s) and sanction(s) have factual support.

The Informal Resolution must be in writing and signed by the Respondent, the Complainant if applicable, and the Director of Student Conduct or designee. The signed Informal Resolution may not be appealed.

FORMAL RESOLUTION

If the Director of Student Conduct or designee does not offer an Informal Resolution or if the Respondent does not accept an Informal Resolution offer, the Director of Student Conduct or designee shall deliver a Notice of Hearing letter and schedule a Formal Conduct Procedure as described in [Chapter 7](#) of the Code

HEARINGS

Hearing Panels are composed of three panel members from the Student Judicial Board, except in cases in which an Administrative Hearing Panel is appointed, as set forth in Chapter 6, Section V of the Code.

Formal Conduct Procedures in Chapter 7 of the Code are applicable for Formal Charges, except that **in cases of Sexual Misconduct, the procedures in Chapter 8 apply. In cases of Relationship Violence or Stalking, appropriate procedures based on those set forth in Chapter 8 may apply. (Chapter 8 procedures are not covered in this brochure.)**

Below are brief summaries of the procedures for disciplinary hearings under the Code. **Please rely on the Code for full explanations of procedures.**

- The University sends to the Respondent a notice of charges and the time, date, and location of the hearing, including the names of the hearing panel members.
- The Respondent, his/her Representative, or the witness(es) may

challenge any person selected for the Hearing Panel on grounds of bias or a personal relationship that might affect impartial consideration of the case.

- A Respondent who has been Accused of a Violation of the Code and referred for a Formal Conduct Procedure may be represented, at the Respondent's expense, by a licensed attorney or a non-attorney advocate (Representative) during the Formal Conduct Procedure, **except** when the violation:

1. Will be addressed by a Student Honor Court (Student Judicial Board), or
2. Is an allegation of academic dishonesty, as governed by [University Policy 407, The Code of Student Academic Integrity](#).

- In order for a licensed attorney or non-attorney advocate to represent a Respondent in a Formal Conduct Procedure, the Respondent must provide the Director of Student Conduct with a completed [Notice of Attorney or Non-Attorney Advocate Representation](#).

- If the Respondent or his/her Representative fails to appear after proper notice, the Hearing Panel will make a determination in the absence of that party.

- An Advisor will be selected from the Student Counsel Office to attend the hearing and may serve as an Advisor to the Respondent. The Respondent may also bring an individual to the hearing to serve solely as an Advisor in addition to an Advisor from the Student Counsel Office.

- The Director of Student Conduct or designee shall present the case on behalf of the University, including witnesses and/or documentary evidence to establish the conduct violation.

- The Respondent shall be given the opportunity to present any witness or documentary evidence that he or she wishes to offer if the evidence is relevant and does not otherwise infringe the rights of others.

- Prior to a hearing on a Serious Violation, the Respondent, upon request, must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.

- The Respondent or his/her Representative shall also be afforded an opportunity to transmit questions, through the Chair of the Hearing Panel, to those witnesses who testify at the proceedings and to examine any documents offered as evidence.

- Written statements of evidence by a witness in lieu of appearance and testimony at the hearing may be admitted into evidence only under certain circumstances.

- Each hearing is recorded, and the recording becomes a part of the case file in the Office of the Dean of Students.

- The burden of proof is on the University, which must establish that it is more likely than not that the Respondent violated the Code as charged.

- A determination by a Hearing Panel on responsibility or non-responsibility for the violation(s) charged shall be made in private and shall be by majority vote, based solely on the evidence presented at the hearing. The determination on responsibility must be announced at the hearing prior to making a recommendation on sanctions.

- The determination on responsibility must contain a brief summary of the evidence upon which the decision is based and shall specify appeal rights, including the time in which to appeal and the permitted grounds for the appeal.

- A determination of responsibility on any Formal Charge shall be followed by a recommendation of an appropriate sanction(s). The prior conduct record of the Respondent shall be considered in determining a recommendation of the appropriate sanction(s).

- The Director of Student Conduct has the authority to Affirm or adjust the sanction(s) recommended by the Hearing Panel. The Director of Student Conduct shall notify the Respondent of his or her determination in writing no later than ten (10) Days after the Hearing Panel's recommendation is made.

- When the Hearing Panel recommends a sanction of Expulsion, the Vice Chancellor for Student Affairs shall make a final determination on the sanction of Expulsion. The Vice Chancellor for Student Affairs shall notify the Director of Student Conduct and the Respondent of his or her determination no later than ten (10) Days after the Hearing Panel's recommendation is made.

INDIVIDUAL SANCTIONS

The following sanctions may be imposed upon a student:

- Conduct Reprimand
- Definite Conduct Probation
- Indefinite Conduct Probation
- Removal from University Housing
- Definite Suspension
- Indefinite Suspension
- Expulsion
- Post-Enrollment & Post-Graduation Sanctions
- Additional Sanctions (see the Code)

All violations of any sections of the Code may result in expulsion

or suspension from the University.

When the University determines that the continued presence of a Respondent on the University campus or in University housing poses a substantial threat to others, or to the stability and continuance of normal University functions, the Vice Chancellor for Student Affairs or a designee may suspend the Respondent for an interim period, pending the outcome of Conduct Procedures.

STUDENT GROUPS AND ORGANIZATIONS

The following sanctions may be imposed upon a Student Group or Organization: reprimand, registration probation, registration suspension, registration revocation, or additional Group or Organization sanctions (see the Code).

When the University receives a report of an alleged violation of this Code by a Student Group or Student Organization, the Vice Chancellor for Student Affairs or designee may suspend the activities of the Group or Organization pending the outcome of an investigation of the alleged Code violation.

APEALS

Appeals are limited to the following grounds (**please rely on the Code for official appeal procedures**):

1. a violation of due process; or
2. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors, set forth in Board of Governors' Policy [700.4.1](#).

Separate appeal procedures for Minor Violations and Serious Violations are set forth in the Code.

RELATED STUDENT AFFAIRS NUMBERS

Vice Chancellor for Student Affairs: 704-687-2206

Dean of Students: 704-687-2376

Senior Associate Dean and Director of Student Conduct: 704-687-2617

Assistant Director for Student Conduct: 704-687-2617

Student Government Association Chief Justice: 704-687-7169

Student Government Association Student Counsel: 704-687-7175

Student Government Association Attorney General: 704-687-7174