# Student Code of Responsibility



**POLICY 509**

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# INTRODUCTION

This is the Student Code of Responsibility, which is referred to throughout this document as the Code. The Code is applicable to all University of North Carolina Asheville students, including any person who has been admitted to the University: undergraduates, graduate students, and matriculated and non-matriculated students, regardless of the number of credits for which the person is enrolled. This Code provides the policies and procedures governing student behavior at UNC Asheville.

These University policies make it possible for people to live and learn together in a way that supports student success and thriving. Furthermore, these policies uphold our community values and preserve the rights of individuals. The purpose of the Code is to clearly explain UNC Asheville's expectations for appropriate conduct and compliance with local ordinances or State and Federal laws.

This Code is not the only source of policies and procedures governing student conduct at UNC Asheville. All University policies and related documents may be accessed through the UNC Asheville policies webpage. Students are subject to all University policies and procedures including academic regulations and program policies. Students must also abide by applicable academic misconduct policies. All students should become familiar with these important items.

# PREAMBLE

The University of North Carolina Asheville is North Carolina's designated public liberal arts and sciences university and one of the 17 excellent, and accessible institutions of the UNC System. UNC Asheville's relationship-driven education prepares students for lives of leadership and service with an emphasis on critical thinking, clear and thoughtful expression, applied research, community engagement, free and open inquiry, and undergraduate and graduate programs that address the most pressing issues of our time. Through small class sizes, close collaboration, and high-impact experiences, we are preparing the next generation of leaders and productive citizens to serve North Carolina and the nation.

In honor of its rich liberal arts tradition, UNC Asheville takes pride in our commitment to learning, creativity, engaged citizenship, trust, and integrity. All students, as integral members of the UNC Asheville community, are responsible for conducting themselves in a manner which enhances an

environment in which the rights, dignity, and freedom of each member of the academic community are respected and valued. To that end, responsible citizenship includes an expectation that members actively participate in behavior that upholds the values and mission of UNC Asheville. As such, each member of the University community is expected to adhere to the following principles:

- Commitment to Creativity and Learning: We will protect and promote academic freedom as the heart of the intellectual and learning process and the University's academic mission. We will engage in the learning process with respect and integrity for authentic learning, teaching, and research.
- Commitment to Individual Integrity and Engaged Citizenship: Our personal integrity is reflected in responsible actions and the willingness to offer support, referral, or direction to others whose actions may be harmful to themselves, others, or the community with truthfulness and care. We will not engage in behavior that endangers safety, academic well-being, privacy, personal welfare, or professional obligations of ourselves or others.
- Commitment to Each Other: We are community co-creators who value the individual growth of all members through mutual respect and understanding. The University values and encourages a socially responsible community in which individual freedoms can be practiced without threatening the privileges or freedoms of other individuals or groups. The University is committed to open, honest, and equitable engagement.

This Code may be applied to off-campus violations when students or student organizations are participating in University programs and activities, such as sporting events, field trips, study abroad programs, conferences, or engaging in activities that are available to the student as a result of their status as a UNC Asheville student. In addition, this Code may be applied to off-campus violations if such violations are deemed to adversely affect the opportunity of all members of the University community to attain educational objectives consistent with the policies and purposes of the University; the protection of the health, safety, welfare, and property of all individuals in the University community; and the protection of the University's integrity, reputation and its property.

## I. DEFINITIONS

**A. Advisors:** Respondents shall have the right to be represented, at the student's expense, by a licensed attorney or non-attorney advisor who may fully participate during any proceeding, to the extent and in the same manner afforded to the student or Student Organization they represent, except any proceeding related to an allegation of academic dishonesty.

**B. Appellate Body:** Any person or persons authorized by the Dean of Students to consider an appeal from a committee/board determination as to whether a student has violated the Code.

**C. Charge:** Decision by Director of Student Conduct, or their designee, to initiate the Student Conduct Process to address an alleged violation(s) of the Code by a Student or Student Organization.

**D. Code:** The University of North Carolina Asheville Student Code of Responsibility.

**E. Day:** A day between and including Monday through Friday that does not include days when the University is closed.

**F. Dean:** The Dean of Students, or their designee.

**G. Director of Student Conduct:** The University official(s) designated with primary case management for the Student Conduct Process.

**H. Guest:** Any non-student present on University premises at the invitation and/or hosting of the student.

**I. Hearing Board:** A designated University group who is authorized to preside over the hearing process, make recommendations regarding determinations of responsibility for alleged misconduct, and impose outcomes, when appropriate.

**J. Minor Violation:** A violation of this Code where the possible outcomes do not include suspension or expulsion, as stated in UNC System Policy 700.4.1.

**K. Party:** Either the University or Respondent.

**L. Preponderance of the Evidence:** Standard applied to determine whether it is “more likely than not” that an incident occurred and/or the policy was violated.

**M. Residence Halls:** Include all Residence Hall spaces (including apartments, lounges, etc.)

**N. Resident:** Someone who is properly assigned to a room in a residence hall or on-campus apartment. All residents are subject to the provisions in the Code, the Housing and Residence Life Guide, and the appropriate Housing Contract.

**O. Residential Guest:** Someone who is visiting a residential student and who is not a contracted resident of the specific room, residence hall, or apartment.

**P. Residential Host:** Any resident student who has a residential guest in any residence hall or University facility.

**Q. Respondent:** Any University student, resident, or student organization who is charged with an alleged violation of the Code.

**R. Serious Violation:** A violation of this Code where the possible outcomes include suspension or expulsion, as stated in UNC System Policy 700.4.1.

**S. Student:** Any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate or graduate program participant, whether matriculating or non-matriculating, full-time or part-time, resident or commuter, paid or delinquent, or who has a pending appeal of an academic dismissal or student conduct matter. Such a person shall also be considered a student during intersession/summer periods and at University-sponsored commencement events in which they are a participant.

**T. Student Conduct Process:** Procedures in this Code addressing alleged prohibited behaviors by a Student or Student Organization, during which a designated University official considers information and/or documentation in order to address whether a Student or Student Organization has violated the Code and appropriate outcomes.

**U. Student Organization:** A group of students who have complied with the formal requirements for University recognition/registration.

**V. Title IX Coordinator:** The administrator designated by the University to oversee and ensure compliance with Title IX of Education Amendments of 1972, which prohibits sex discrimination in any University program or activity.

**W. University:** The University of North Carolina Asheville.

**X. University Community Member:** Any person who is a student, staff, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students.

**Y. University Official:** Unless otherwise specified, this term shall include faculty or staff members exercising their assigned duties and may include student employees; other students acting in an assigned official capacity on behalf of the University; and other authorized agents of the University, which may include staff or campus-related organizations or University contractors or subcontractors when acting in their official capacity.

**Z. University Premises:** All land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the University (including adjacent streets and sidewalks).

**AA. Vice Chancellor:** The Vice Chancellor for Student Affairs and/or their designee.

# II. STUDENT CONDUCT POLICIES AND PROCEDURES

### A. General University Policies

#### 1. Respect for Persons

Treating people with respect means acting in a manner that supports the safety, freedom, belonging, and well-being of others. The University takes all incidents seriously in which a student's respect is violated. The following policies address such disrespect and violations of these policies are specifically prohibited:

a. **Discrimination:**No student shall violate the rights of or deny the privileges of the University community on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, pregnancy status, race, religion, sex, sexual orientation, or veteran or military status, or other legally protected status in the administration of any educational program or activity, scholarship and loan programs, admission and employment, or other school administered programs. No person, on the basis of protected status, shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination, harassment, or retaliation under any University Program or Activity, including with respect to admissions and employment terms and conditions.

   (1) Alleged violations on the basis of sex/gender, gender identity or expression, or sexual orientation that fall under sexual misconduct will follow the procedures provided in the University Sexual Misconduct Policy.

b. **Harassment:** No student should engage in behavior that is unwelcome; and is directed at an individual; and is sufficiently objectively offensive and either so severe or pervasive that it interferes with an individual's work or education program and/or activities.

c. **Bullying/Cyberbullying:** No student shall engage in repeated and/or aggressive behavior by any means, including electronically, that has the potential to or is intended to intimidate, harm, control or seek to control another person physically, mentally, or emotionally or is so severe or pervasive that it alters the conditions of an individual's education or employment, or participation in university programs and/or activities. A singular isolated incident, unless sufficiently severe, does not constitute a violation of this Code.

d. **Threats:** No student shall make or communicate, whether directly or indirectly, any written, verbal, or nonverbal threat which conveys an intent to cause harm (physical, emotional, or psychological) to another person, organization, or property. This includes issuing threats of violence which serve to disrupt University operations, programs or activities.

e. **Physical Violence:** No student shall engage in any behavior that causes, attempts to cause, or contributes to the physical harm of another person. This includes any unwanted inappropriate physical contact, such as pushing, hitting, biting, or using objects/weapons to make physical contact with another person.

f. **Dangerous Conditions:** No student shall intentionally or negligently create a condition that substantially endangers or threatens the safety or well-being of themselves or others. This includes compromising fire and security systems. All wheeled modes of transportation or motor vehicles, with the exception of handicapped service equipment, are prohibited within the confines of any University facility.

g. **Interference:** No student shall interfere with the right of any person to go where they have a right to go or remain where they have a right to remain on University property. No student shall intentionally prevent any person from doing anything they have a right to do or require any person to do anything they have a right to refrain from doing.

h. **Weapons and Dangerous Objects:** No student shall use with intent to injure, or threaten another with any instrument, device, or object capable of inflicting physical harm or death. Students are also prohibited from possessing any weapons, including gel blaster guns, paintball guns or other objects which resemble weapons (even if they possess a license) while on University premises, with the exception of approved University events.

i. **Unprotected Speech:** No student shall engage in expressive activity that constitutes defamation; true threats, which are defined as statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals; or other expressive activity that materially and substantially disrupts the University's operation or that substantially interferes with the protected free expression rights of others. The prohibition against unprotected speech does not apply to speech that is merely offensive, repugnant, false, or hateful (ex: "hate speech").

j. **Hazing:**(the full UNC Asheville Hazing Policy can be found here.)
(1) In connection with an affiliation to any organization, group, team, or sports club, no student shall engage in the following activities:

   a. Any action or situation, with or without consent, which recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under sanction of a postsecondary institution.
   b. Pressuring or coercing a student into violating University policy or state or federal law.
   c. Brutality of a physical nature, such as whipping, beating, branding, paddling, physical shocks, exposure to the elements, food deprivation, and forced or coerced consumption of food, liquor, drug, or any other substance.
   d. Any other forced physical activity which could adversely affect the physical health or safety of the student.
   e. Any activity which could subject the student to extreme mental stress, such as sleep deprivation, line-ups or berating, road trips where individuals must find their way back to campus, forced or coerced exclusion from social contact, forced or coerced wearing of apparel which is conspicuous and/or inappropriate, forced conduct which could result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the student.

f. Any activity that causes unreasonable interference with a student's academic performance.
g. Personal servitude.
h. Kidnapping or abandonment.
i. Any activity that would be viewed by a reasonable person as subjecting someone to embarrassment, degradation, or humiliation.
j. Violation of N.C.G.S. § 14-35, which deems it a Class 2 misdemeanor offense for any student in attendance at any university, college, or school in North Carolina to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group, or to aid or abet any other student in the commission of this offense.

(2) Anonymous reports of hazing are permitted. However, it is important to remember that submitting an anonymous report means that the institution has no way to connect with the reporting party to ask follow-up questions. Therefore, it is essential that an anonymous report contain as much information as possible in order to address the alleged hazing behavior(s). Anonymous reports can be completed here and should include:

a. The time, date, and specific location of the alleged hazing event(s)/activities.
b. The name of the individual(s) involved in the alleged hazing event(s)/activities.
c. The names and contact information of any individuals who can corroborate the reporting student's story.
d. As much detail as possible about the alleged hazing event(s)/activities, including photos, videos, or other supporting documentation.

(3) Students do not have to report hazing anonymously – at any time, students can contact the Office of the Dean of Students, University Police, the Title IX Coordinator, the Highsmith Student Union, Fraternity and Sorority Life, Athletics, the Office of Student Transitions and Family Programs, the Health and Counseling Center, or any other trusted staff member to share what they know. When a student chooses to report, the University is better able to offer resources and support for that individual's physical, mental, and emotional wellbeing. The Dean of Students Office or other appropriate offices will work with students who report hazing to keep their identifying information private. Any hazing related to sexual or gender-based harassment must be reported to the Title IX Coordinator.

k. **Retaliation:** No student shall retaliate against another member of the community for making a good faith report or complaint or participating in the student conduct process.

**2. Respect for Property**

Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment. The following violations are specifically prohibited:

a. **Offenses against property:** No student shall take, possess, damage, litter, or deface (with graffiti instruments, or otherwise tamper with) any property not their own on the University campus or on any University property. This includes, but is not limited to, University furniture, traffic cones, computer equipment, access control systems or facilities. Tampering with building technology not limited to door controls, audio visual equipment, and elevator controls is prohibited. No student shall override room thermostat systems to drastically alter room temperature. Any costs to repair, replace, restore, or clean University property to its original condition will be assessed to individuals and/or groups responsible for damaging or defacing such property in addition to any other outcomes which may be imposed.

b. Bicycles, motor vehicles, mopeds, roller skates of any kind, roller blades, and skateboards are prohibited on campus sidewalks and walkways. These modes of transportation can be utilized in designated bike lanes or on the roadway, out of the way of traffic. A University citation may be issued for violation of this regulation.

**3. Respect for Health and Safety**

Students shall comply with all environmental, health, and safety requirements, including fire safety policies. Therefore:

a. Students shall not engage in any activity or behavior that creates a threat to the safety and well-being of themselves, the environment, or others; or engage in acts that compromise the safety of the University community.

b. Students shall not set or attempt to set unauthorized fires, or act in a manner that disregards fire safety policies and procedures and results in a fire. These do not include authorized fires which exist when a permit is received from Emergency Management.

c. No student shall set off false fire alarms; maliciously discharge fire extinguishers; or damage, tamper with, dismantle, or disconnect fire safety systems or equipment. Students who violate this policy will be held accountable financially, through a sanction, or both.

d. Students must evacuate any University facility (residence hall, academic building, library, etc.) when the fire alarm is activated.

### 4. Respect for Security of Buildings, Facilities, Campus, and Motor Vehicle/Parking Policies

Students may enter and use all campus buildings and areas for the purposes assigned to these facilities and places. There may, however, be times when some campus facilities and spaces are unavailable due to safety, personal use and privacy, protection of valuable materials and equipment, or to regulate access during off-hours. When buildings or spaces are closed or restricted, this limited access applies to all students unless otherwise specifically stated. The following policies apply to the security of buildings, facilities, the campus, and motor vehicle/parking policies:

a. **Unauthorized keys or access:** No student shall transfer, duplicate, use, or possess any ID card, key card, or combination to a University building that they are not specifically authorized to use or possess.

b. **Unauthorized entrance or unauthorized presence:** No student shall break into or enter without authorization any University building, room or facility; nor shall any student enter, or remain in, any private room or office of any student, faculty member, administrative officer, or other person on University property without the express permission of any person or persons authorized to use that office or live in that room; nor shall any unauthorized student enter or remain in any University building or facility at a time when that facility is officially closed; nor shall any student assist or make possible the unauthorized entrance or unauthorized presence of any person.

c. **Restricted areas:** No student shall enter into or upon any clearly access-restricted area; nor shall any student enter an academic building after hours; nor shall any student assist or make possible the unauthorized entry of any person into any clearly access-restricted area. Restricted areas include but are not limited to: roofs, art installations, posted or enclosed construction sites, and secured utility areas.

d. **Guest responsibility (campus-wide):** When a student has a guest on campus, the student assumes responsibility for the conduct of that guest. Guests shall adhere to all campus policies including alcohol and drug policies, Community Standards building/facility guest policies, and motor vehicle/parking policies. Guests must be escorted by their student host at all times.

e. **Motor Vehicle/Parking policies:**
    1. No student shall display, alter, manufacture, transfer, use, or possess handicap, faculty/staff, resident, commuter, state, or service/emergency vehicle parking permits they are not authorized to possess, i.e., that were found, issued to another person, or taken without permission.
    2. No student is permitted to park a motor vehicle in any designated or reserved parking space without authorization. Authorization means that you have obtained and

displayed the appropriate parking decal.

3. No student is permitted to park their motor vehicle in any designated handicap parking space without a valid and visible handicap plate, permit, or decal. In addition to motor vehicle/parking fines levied on the campus, repeat offenders of University motor vehicle/parking policies may be asked to remove their vehicle(s) from the campus for a period of time or permanently. A hold may be placed on a student account until University motor vehicle/parking fines are paid and/or University Service assigned as a result of a violation of this section is completed.

f. **Compromising community security:** Propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building, is prohibited.

**5. Integrity of Transactions and Records**

Respect for learning and knowledge means respect for personal integrity, both toward individuals and toward formal processes which record, reflect, and enable the University's functions. On their educational journey, students encounter scenarios every day that require them to exhibit personal integrity and to respect the integrity of others. This extends to respect for process – including formal processes which record, reflect, and enable the University's functions. Therefore:

a. **Identification cards:** Students are required to carry and present valid University identification/RockyCard when requested to do so by authorized University officials.

b. **False identification:** Students must accurately represent themselves with any form of identification. For purposes of this section, a "form of identification" means any of the following or any replica thereof:

1. An identification card containing a picture, issued by any department, agency, or subdivision of the State of North Carolina, the federal government, or any other state
2. A military identification card containing a picture
3. A passport
4. An alien registration card containing a picture

Students are prohibited from possessing, using, manufacturing, or selling any false form of identification. A violation of this section will result in confiscation of the false identification and the student will be referred to the appropriate office (including but not limited to the Dean of Students /Director of Student Conduct) and/or governmental authority.

c. **False information:** No student shall give knowingly false or misleading information during any part of a student conduct process or when completing documents issued by

or used by the University for official functions or activities. No student shall give knowingly false or misleading information that could damage or discredit another person.

d. **False statements:** No person shall give knowingly or recklessly false statements in matters related to the Code. Violations of this policy may result in outcomes up to and including suspension from the University for students.

e. **Misrepresentation:** No student shall represent themself falsely, in writing or otherwise, nor shall a student assist another in doing so.

f. **Misuse of records:** No student shall access, search, copy, take without permission, forge, or alter University records, documents or other materials or possess such altered, forged or taken University records, documents or other materials without authorization.

g. **False transactions:** No student shall use any forged or altered item to conduct a fraudulent transaction.

**6. Responsible Use of Information Technology (IT)**Access to information technology is essential to the University's mission of providing students with educational services of the highest quality. IT systems may be used for any and all purposes pertaining to a user's academic position and/or position-related responsibilities and assignments. Use must be consistent with usage usage policy and other published IT Policies and all other applicable laws, policies, procedures, policies, and guidelines. Failure to abide by these policies is subject to student conduct action.

**7. Requests and Orders**

There are certain University authorities who have the right, in their official capacity, to make requests, and give orders, or direct the action of other members of the University. This authority is granted to support the safety and administrative function of the University. Students must immediately and fully comply with the directives of University officials exercising their assigned duties.

If a student disagrees with the directive(s) of a University authority, they have the right to appeal to the Vice Chancellor for Student Affairs, or their designee; or to the Assistant Vice Chancellor for Housing and Residence Life, or their designee if the directive was issued by a campus residence hall staff member. The University authority's action(s) will be reviewed, but the student must comply with the directive at the time of review. Placing a University official in fear or at risk of physical harm or danger, or engaging in physical violence against a University official, constitutes a violation of this Code.

**8. Disruption of University Activities**

a. No student shall obstruct, impede, or disrupt any educational, research, administrative, social, or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University community.
b. Students may participate in peaceful demonstrations on campus as long as they comply with University policy.
c. In order to participate in a peaceful demonstration, please reach out to the Director of the Highsmith Student Union for details.
d. **Rights and Responsibilities**

    1. All students have a right to demonstrate on University premises. While University policies regarding demonstrations are content-neutral, the University necessarily reserves the right to limit, disallow, or disband an event which incites immediate, lawless action or represents a clear and present danger to the campus community; or if for any reason of time, place, or manner of behavior, the demonstration materially disrupts classwork or other University business; involves a substantial disorder; or invades the rights of others.
    2. **University Policies and Regulations**

        a. Demonstrators entering campus buildings to conduct orderly and peaceful demonstrations may not enter or occupy rooms or offices; obstruct entry, exit, or restrict the free movement of persons; block hallways, doorways, stairs or doors of University facilities; materially interrupt or interfere with University business functions, or remain in buildings after the close of regular hours of operation.
        b. For safety and security reasons, demonstrators are not allowed to enter residence halls; private offices; laboratories; research facilities; spaces where classes or private meetings are being held or immediately scheduled to be held; libraries; facilities or areas containing valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student-related or personnel-related records, or financial records; emergency facilities or any facilities housing communication systems, security, utilities, or other facilities or services vital to the business functions of the University.
        c. Demonstrators can engage in legal activities that do not violate other’s constitutional rights or harm property. Any demonstration that violates any University policy may be discontinued, either at the direction of the administrator (or his/her designee) of the University unit administratively responsible for the space in which the demonstration is occurring or at the

direction of the University Police. If a Dispersal Order is read by University Police, demonstrators must comply with instructions and leave the immediate area. Blocking entry to or free exit from buildings, impeding or obstructing others' free movement, engaging in harassing behavior, or inciting immediate, violent action that represents a clear and present danger to the campus community is prohibited under the Code.

3. **Counter-Demonstrations**

    a. A demonstration or event on campus may invite the presence of opposing views. When these occasions arise, all parties have a right to expression that must not be obstructed. In the interest of community safety and protection of rights, the University may designate a separate demonstration area for counter-demonstrators.
    b. As with demonstrations, counter-demonstrations must not infringe upon others' rights to engage in peaceful assembly, the free exchange of ideas, or interfere with the rights of others to make use of campus facilities or attend University functions. This includes, but is not limited to, not damaging, defacing, marking, altering, or interfering with signs, tables or exhibits, or other items posted or displayed by others.

4. **Off-Campus Student Protests**

    a. The Code applies to students on and off campus. Accordingly, conduct such as threats to harm another person, inciting imminent violence, or destruction of property can lead to arrest and/or disciplinary action. The First Amendment also does not protect civil disobedience – nonviolent unlawful conduct undertaken intentionally as a form of protest (e.g. participating in a "die-in" that blocks traffic on a street). Protest actions that violate criminal law (e.g. trespassing or disorderly conduct) and/or the Code can be disciplined under either or both systems.

5. **Ensuring a Productive Demonstration**

    a. Students planning demonstrations should consult with the Highsmith Student Union staff who will assist all students, student groups, and student organizations planning to host demonstrations or rallies. In addition, it is strongly encouraged to include University Police early in the planning process. This allows any potential safety issues to be addressed and for organizers to create safety and security procedures.
    b. At times, University Police officers may be present at a demonstration to ensure the safety of all participants and provide a more immediate response in the event of an emergency.
    c. Organizers are strongly encouraged to inform attendees of the Code and consequences for failure to adhere to its expectations. To support overall

demonstration coordination and safety for participants, organizers should have at least one representative present throughout the demonstration. Be aware that some participants may have physical challenges that require assistance. The Office of Accessibility can provide advice on accommodating participants with disabilities or mobility challenges.

d. The role of University Police is to ensure the campus community's safety. University Police supports community members to exercise guaranteed rights and is committed to working with students, student groups, and student organizations to provide education and consultation on University policies, applicable laws, and safety and security procedures. University Police are available to meet with students to discuss issues and concerns that may arise before or after a demonstration.

**9. Alcohol, Illegal Substances, and Gambling**

a. The University recognizes that excessive alcohol and substance use is a significant public health problem and can lead to harmful repercussions for the individual who partakes. Not only is the individual affected by alcohol and substance use, but so is the University community. Members of the community who choose to engage in illegal or excessive alcohol and substance use are responsible for their actions under these circumstances. In an effort to help students make better, healthier choices, the University encourages students to utilize resources such as group counseling, meetings with a Substance Counselor, and other online resources provided by the Dean of Students and/or Director of Student Conduct.
b. Alcoholic beverages: North Carolina law, the City of Asheville, and UNC Asheville prohibit the sale, giving, and serving of alcoholic beverages to those under the age of 21. UNC Asheville prohibits the possession and consumption of alcoholic beverages by those under the age of 21. The unauthorized consumption of alcohol or unauthorized possession of an open container of alcohol or public intoxication is prohibited. All students, residents and guests must comply with the Alcoholic Beverage Policy. Refer to the Housing and Residence Life Guide for more information on residence hall policies.With regard to the possession and use of alcohol, the following activities are prohibited:
    1. Underage possession/consumption: Possessing or consuming alcoholic beverages while under the legal drinking age pursuant to applicable law. Possession is determined by answers to the following questions,
        a. What is the location and the quantity of the alcohol?
        b. Is the student able to exercise control over the situation?
        c. How many students in the incident voluntarily take responsibility? and
        d. Can they attest which students are not in violation?

2. Driving under the influence: Operating a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol.
3. Providing to minors: Furnishing or selling any alcoholic beverages to any individual under the legal drinking age pursuant to applicable law.
4. Excessive drinking and intoxication: Regardless of age or location, excessive drinking and intoxication is a code violation.

c. Illegal drug possession, use, sale and the possession of drug paraphernalia: No student shall possess, use, purchase, distribute, or sell substances defined by North Carolina state or federal laws as illegal (which includes marijuana and cannabis based products). No student shall possess substances defined as controlled, other than personally prescribed medications, by North Carolina and/or federal law. With regard to the possession and use of illegal drugs, the following activities are prohibited:

1. Possession/Consumption/Use: Possessing, consuming, or using any controlled substance under the North Carolina Controlled Substances Act (N.C.G.S. Chapter 90, Article 5).
2. Paraphernalia: Possessing or using drug paraphernalia, including, but not limited to, bongs, bowls, pipes, roach holders, or scales.
3. Manufacturing/Distribution/Delivery: Manufacturing (including growing marijuana), distributing, delivering, of any controlled substance; or attempting to manufacture, distribute, deliver, of any controlled substance.
4. Possessing with intent to manufacture/distribute/deliver: Possessing with intent to manufacture (including growing marijuana), distribute, or deliver any controlled substance.
5. Misuse: Intentionally misusing over-the-counter drugs, medically prescribed drugs, or huffing/sniffing any substance not intended for such use.
6. Driving under the influence: Operating a motor vehicle under the influence of drugs or while impaired by the consumption or use of drugs.
7. Public intoxication: Being intoxicated in public attributable in part or in whole to the use of drugs.

d. Gambling: No student shall gamble for money or other valuables on University property or in any University facility except as part of an authorized fundraising activity or in a situation where legalized gambling is authorized.

**10. Respect for Student Groups and Organizations (Recognized and Unrecognized)**

a. Students must follow the policies governing their membership in a student group/organization according to student organization requirements. Violations of the requirements and/or the Code by officers/members of student groups/organizations

may result in a referral to the student conduct process as an individual, in addition to any organizational action that may be taken by the University.

b. Any violation of this policy may result in individual and/or group outcomes, such as the extension of the current suspension; suspension or permanent expulsion of individual(s) from the University; and/or the suspension or permanent expulsion of the organization from future campus recognition, including all associated rights and benefits. Individuals or groups may be required to attend mandatory educational programs.

**11. Smoking and Tobacco Use**

a. UNC Asheville is committed to providing employees and students with a safe and healthful environment. Evidence shows that tobacco use in general, including smoking and breathing secondhand smoke, constitutes a significant health hazard.
b. In accordance with the NC General Statute §143-596, and the University Smoking Policy, smoking (including electronic cigarettes) is prohibited in all University buildings and facilities, including residence halls. Smoking is also prohibited in all outdoor areas within the University Heights loop around campus. Smoking is also prohibited within 100 feet of University buildings, outdoor athletic facilities, and outdoor recreation facilities.
c. Smoking is defined as burning or vaporizing any type of tobacco or nicotine product including, but not limited to: cigarettes, e-cigarettes, cigars, cigarillos, pipes, bidis, vape pens, and mods.
d. For more information, see the Smoking on Campus Policy.
e. Cessation Support: Smoking cessation support and referrals, particularly nicotine replacement therapy, will be offered to students through the Health and Counseling Center and to employees through the Human Resources Office.

**12. Violation of Federal, State, or Local Laws**

a. If a violation of law occurs on or off campus it is also a violation of University policy and the University may institute proceedings against the Respondent(s). Such action by the University is independent of and may proceed in parallel with civil or criminal action.
b. Ordinarily, the University will not pursue off-campus violations unless such violations are deemed to adversely affect University operations, including the safety and security of the University, University property, or individual members of the University community.

B. **Residence Hall and Apartment Policies**

Residence halls and University apartments offer students the advantage of convenience of location for academic pursuits and the advantage of participation in a peer community. The University sets certain limits on occupancy and establishes policies to preserve the facilities and promote safety and health. By University policy, residents are responsible for maintaining

good order, hygiene, and reasonable health standards in the residential facilities. The provisions set forth in the Housing and Residence Life Guide are incorporated into and operate in concert with the terms of this Code. Student conduct action may be initiated under the Code against residents violating such provisions.

# III. COMPLAINTS, CHARGES, AND RESOLUTION PROCESSES

### A. Complaint or Referral

Any member of the University community (student, staff, or faculty) may make a complaint alleging a violation of the Code. A complaint or referral made against a student(s) or student organization, alleging violation(s) of the Code, shall be directed to the Director of Student Conduct or their designee. In order to facilitate a timely investigation and processing of complaints, it is recommended that referrals are made within thirty (30) days following the date of the incident giving rise to the complaint.

### B. Right to Representation

1. In accordance with N.C.G.S. §116-40.11, the Respondent may be represented, at their own expense, by an Advisor who may be an attorney, except when the violation is an allegation of academic dishonesty.

2. An Advisor may fully participate in the Hearing Process only to the extent afforded to the Respondent they represent. An attorney or other individual representing the University may participate in the Hearing Process in which an Advisor is participating and present. Students choosing to utilize an Advisor are responsible for all associated expenses.
3. The Respondent and/or the complainant must provide a completed Licensed Attorney and Non-Attorney Advocate Certification Form and a Release of FERPA Protected Information Form. The notice must be submitted at least three (3) days prior to the scheduled meeting or hearing. Failure to meet these requirements may result in the loss of the Respondent’s right to participation of an Advisor in the Hearing Process.

### C. Administrative Dismissal

The Director of Student Conduct, or their designee, evaluates the complaint to determine whether the alleged conduct would violate the Code. If the Director of Student Conduct, or their designee, determines that the allegation, even if true, does not constitute a conduct violation, then the complaint is dismissed.

**D. Charges**

If in the judgment of the Director of Student Conduct or designee, sufficient evidence warrants further action, they shall initiate the following procedures:

1. Directive to appear/notice of charges
    a. The student(s) or student organization charged with an alleged violation of the Code will be provided with written notice of charges which will be sent through the student's UNC Asheville email address and will be required either to meet with the Director of Student Conduct or a trained faculty or staff member and/or attend a hearing on the date cited in the notice.
    b. The meeting shall be scheduled for no less than ten (10) days from the date of the notice. The student(s) can expedite this meeting in writing if they would like to do so.

**E. Forms of Resolution**

1. *In Absentia* Resolution

    a. If the Respondent fails to respond within six (6) days of an initial request from the Director of Student Conduct, or their designee, for a meeting, the case may be resolved in the Respondent's absence through an *In Absentia* Resolution. The Director of Student Conduct, or their designee, will, in their professional judgment, make a determination on responsibility for any Formal Charge(s) and may specify any appropriate outcome(s).
    b. *In Absentia* resolutions are not available, unless initiated by the Director of Student Conduct, if the Formal Charges constitute a Serious Violation. In such cases, if a Respondent fails to respond to the initial meeting request the case may be referred to a Hearing. Resolutions reached *in absentia* may not be appealed.
2. Alternative Resolution

    a. UNC Asheville supports student success by offering resources and educational opportunities that are designed to promote personal integrity, mutual care and accountability, ethical decision making, and personal growth as an alternative to the formal conduct hearing process. The Alternative Resolution option provides students an opportunity to repair harm that has impacted another individual or the community through active accountability, collaborative decision making, skill development, and

relationship repair. Alternative resolution outcomes may include workshops, educational opportunities, University or community service, and personal strength based development projects and reflections.

b. The nature of some conflicts, especially those involving violence, may render the case ineligible for the Alternative Resolution process or some Alternative Resolution options. Whether to offer an Alternative Resolution is at the discretion of the Director of Student Conduct or designee. Participation in an Alternative Resolution process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the individuals involved in a conflict, the case is resolved. Resolutions reached through an Alternative Resolution process may not be appealed.
c. Any minor policy violation has the option to go through the Alternative Resolution process. After a policy violation, the student will receive a charge letter. This letter will indicate whether the student is eligible for the Alternative Resolution process. If the student chooses to go through this process, they will meet with trained educators who are faculty and staff members. For example, students living in the residence halls will likely meet with one of the Area Directors specific to the building in which they live. The following are possible outcomes of an Alternative Resolution and may be imposed once a determination has been made. Failure to complete an outcome may result in a Registration, Transcript, and/or Diploma hold being placed on the student's account.
    1. Informal warning: An informal warning advises a student to be more mindful of their behavior and encourages them to review the Code in order to ensure future compliance with all policies and procedures. Informal warnings are not routinely reported as student conduct action unless subsequent violations of the Code occur.
    2. Written warning: A written warning indicates that a student has violated a University policy and that continued or repeated violations of University policy will result in further student conduct action.
    3. Restitution: Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.

    4. Special restrictions or loss of privileges: Students may be restricted from participating in certain specified events and activities and may be prohibited from entering certain areas of the campus, including certain facilities and offices. Student access to specific services may also be limited if a pattern of abuse of said services has been identified.
    5. University probation:
        a. Level 1: Students may be placed on University probation for a designated period of time during which the student is on official notice that subsequent violations of university policy are likely to result in a more severe sanction including suspension of residential housing privileges and/or a restriction of their privileges regarding participation in activities and/or student organizations..

The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course; prevention workshop, program, or group; or the completion of other projects and service to the University or affiliated entities. Students assigned to this level of probation are considered in good standing with the University.

b. Level 2: Students placed on this type of University probation will be subject to all the restrictions of Level 1 University probation, and in addition, may not hold student staff positions, including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Assistant, and Residential Safety Patrol, for the duration of the probationary period. Students placed on University probation may not hold executive board or leadership positions in recognized student organizations and/or councils. Students assigned to this level of probation are not considered in good conduct standing with the university. Additionally, future violations of University policies while on Level 2 University Probation may result in dismissal from the residence halls and/or the University.

6. University or residential service and educational projects and programs:
   a. Students may be assigned projects, programs and service (hereinafter referred to as “University Service”) to the University or affiliated entities. University Service is work performed at a given location within the University and with a given supervisor. The Director of Student Conduct or their designee will arrange and administer University Service outcomes.
   b. Failure to complete the assigned University Service or educational project within the specified time period may increase the assignment or result in additional outcomes. Failure to satisfactorily complete an assigned project, program or service will result in a notation “Conduct outcome not completed” on the student’s academic record. This notation will be removed upon completion of the assigned educational project, program, or service.
7. Alcohol education group: For first-time alcohol violations, a group alcohol education course run by the Health and Counseling Center may be recommended.
8. Level 2 substance counseling: A one-on-one screening with a counselor that takes two sessions – the first is the intake, and the second is reviewing the results with the student to determine their risk level and to discuss strategies for harm reduction.
9. Ethics training or ethics paper: Assigned to a student found in violation of our Integrity of Transactions and Records policies.
10. Policy quiz: Assigned for some of the minor violations and consists of the completion of a quiz of the Code.

d. When a satisfactory agreement cannot be reached through this process, the complaint may be referred for a hearing. See the details of the hearing process below.

3. Formal Hearing Boards

a. Formal Hearing Boards are established for the purpose of hearing alleged violations of the Code. The Hearing Board will review the allegations, hear any responses, make recommendations as to whether the Code was violated, and provide recommendations for outcomes where appropriate.
b. A Hearing Board Pool shall be selected from full-time members of the University faculty and staff. Hearing Board members are then selected from the Hearing Board Pool. A Hearing Board is composed of three to five members from the Hearing Board Pool.
c. All Hearing Board members are expected to serve for at least one academic year and may continue to serve at the discretion of the Dean of Students or designee. All members of the Hearing Board, upon receiving notice of appointment, shall be given necessary information and training about their responsibilities and the means by which they may fulfill them. This includes anti-bias training, information on how to review evidence, equity in decision making, professional ethics, and more.

# IV. FORMAL HEARING PROCESSES

A. Investigation: The University shall be responsible for effectively investigating alleged violations and promptly determining whether further action is necessary. An investigation typically includes interviews and requests for written statements from the parties (i.e., reporting individual, Respondent(s), witnesses). If the Respondent fails to respond to more than one written request for an interview, the University may proceed with a review of the evidence and information. The University will make every effort to keep all investigations confidential to the extent possible/practical.
B. Information in support/defense of allegations: Information in support/defense of allegations (including statements, documentary, and/or physical material) to be presented by the University and Respondent(s) during any hearing on the charges must be shared with the opposing party at least five (5) days in advance of the scheduled hearing. The Hearing Board may exclude information in support/defense of allegations that has not been shared or adjourn the hearing to afford all parties the opportunity to review information in support/defense of allegations to be presented during the hearing. The Hearing Board will make the final decision relating to the admissibility of all information in support/defense of allegations.

C. Hearing attendance and confidentiality: Those in attendance at the Board Hearing may include the Director of Student Conduct, Respondent(s), their representative(s), witness(es) (while giving statements), and the Hearing Board. A University observer may also be present. The Hearing Board shall determine whether additional persons may be present. In order to protect confidentiality and comply with applicable privacy laws, hearings shall be closed to members of the campus community and to the public.

D. Hearing Boards:
   1. Hearing Boards are established for the purpose of hearing alleged violations of the Code. The Hearing Board will review the allegations, hear any responses, make recommendations as to whether the Code was violated, and provide recommendations for outcomes where appropriate.
   2. A Hearing Board Pool shall be selected from full-time members of the University faculty and staff. Hearing Board members are then selected from the Hearing Board Pool. A Hearing Board is composed of three to five members from the Hearing Board Pool.
   3. All Hearing Board members are expected to serve for at least one academic year and may continue to serve at the discretion of the Dean of Students or designee. All members of the Hearing Board, upon receiving notice of appointment, shall be given necessary information and training about their responsibilities and the means by which they may fulfill them. This includes anti-bias training, information on how to review evidence, equity in decision making, professional ethics, and more.

E. Hearing Procedures:
   1. Hearings provide the forum where Respondents are afforded the opportunity to present information for review by a Hearing Board. In the event that a Respondent has received notice of a hearing and elects not to appear, the hearing shall proceed in their absence and a recommended determination of responsibility shall be made and outcomes recommended.
   2. The hearing procedures generally include the following basic steps:

      a. Opening: The Hearing Board Chair states the charges and identifies the individuals present. Hearing Board members who feel they cannot fairly serve shall be excused. Conflicts of interest must be disclosed. Any party may request and cite cause for the removal of any member of the Board. The Hearing Board Chair will determine whether the cited cause warrants removal.
      b. Student response: The Respondent(s) will be asked to state their response (i.e., responsible or not responsible) to each of the alleged violations.
      c. University presentation: University presentation should begin with an opening statement describing the alleged violation(s). Information in support of allegations will be provided to the Hearing Board. The Hearing Board members and Respondent may question the University regarding the presentation and evidence supporting the allegation. University witness(es) individually present oral statements.

The University, then the Respondent, followed by the Hearing Board members, may question the witness(es).

d. Respondent presentation: A Respondent presentation may begin with an opening statement furthering the Respondent's position. Information in support/defense of allegations submitted by the Respondent will be provided to the Hearing Board. The University, then the Hearing Board members, may question the Respondent regarding the opening statement and information defending the allegation. Respondent's witness(es) individually present oral statements. The Respondent, then the University, followed by Hearing Board members, may question the witness(es).
e. Closing statements: After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the University, then by the Respondent(s). Closing statements are intended to summarize the information previously introduced during the investigation process and hearing. No new evidence or statements may be introduced during closing statements. No questioning is allowed during or after closing statements.
f. Deliberation, findings, and recommendations:
    1. After closing statements have been presented, the Hearing Board reviews information in support/defense of allegations. Upon a review of the totality of the information discussed during the deliberation process, a recommendation regarding the Respondent's responsibility as to each of the charges shall be made by a majority vote of the Hearing Board.
        a. A recommendation of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).
        b. Based upon the extent of responsibility determined, the Hearing Board may also recommend outcome(s)
    2. The Hearing Board shall deliver its findings and recommendations in a letter to the Dean of Students, copying the Director of Student Conduct, or their designee, and the Respondent(s). Upon receipt of the recommendations and after review of any previous student conduct record of the Respondent(s), the Dean of Students will make a determination regarding responsibility and outcome(s).

F. Hearing documents: A written notification/disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the hearing become part of the proceeding's official record. Recordings made during the hearing also become part of the official record. These materials are confidential. However, these materials are made available, in cases of appeal and upon request, to the designated University official or Board hearing the appeal and to the student(s) requesting the appeal.

Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

G. Dean of Students' determination: The Dean of Students' or designee decision regarding responsibility will be communicated in writing to the Respondent. Written notification will include a summary of the findings supporting the decision and the outcomes to be imposed, if any. If the Respondent charged is found responsible and an outcome is to be imposed, the notification shall inform the Respondent of the right to an appeal and the method for submitting the appeal. The Director of Student Conduct, or their designee, will ensure that any outcomes imposed are carried out on behalf of the University. Information on student conduct outcomes is provided in Section V.

# V. OUTCOMES

A. Determination of Outcomes

1. The determination of outcomes for violations of the Code that utilize a hearing process shall be made by the Dean of Students or designee. Outcomes for alleged violations that do not utilize a hearing process will be made by the Director of Student Conduct, or their designee.
2. These determinations shall consider all relevant factors, including but not limited to, the facts and circumstances surrounding the incident(s) that gave rise to the violation, the Respondent's state of mind, any mitigating factors, and any past student conduct record of the Respondent.
3. More serious outcomes may be imposed for multiple or repeated violations.

B. Outcomes

The following outcomes may be imposed once a determination has been made. Failure to complete an outcome may result in a Registration, Transcript, and/or Diploma hold being placed on the student's account. The student will be notified in writing if a hold is placed on their account.

1. Informal warning: An informal warning advises a student to be more mindful of their behavior and encourages them to review the Code in order to ensure future compliance with all policies and procedures. Informal warnings are not routinely reported as student conduct action unless subsequent violations of the Code occur.

2. Written warning: A written warning indicates that a student has violated a University policy and that continued or repeated violations of University policy will result in further student conduct action.

3. Restitution: Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.

1. Special restrictions or loss of privileges: Students may be restricted from participating in certain specified events and activities and may be prohibited from entering certain areas of the campus, including certain facilities and offices. Student access to specific services may also be limited if a pattern of abuse of said services has been identified.

2. University probation:

    a. Level 1: Students may be placed on University probation for a designated period of time during which the student is on official notice that subsequent violations of university policy are likely to result in a more severe sanction including suspension of residential housing privileges and/or a restriction of their privileges regarding participation in activities and/or student organizations.. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course; prevention workshop, program, or group; or the completion of other projects and service to the University or affiliated entities. Students assigned to this level of probation are considered in good standing with the University.
    b. Level 2: Students placed on this type of University probation will be subject to all the restrictions of Level 1 University probation, and in addition, may not hold student staff positions, including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Assistant, and Residential Safety Patrol, for the duration of the probationary period. Students placed on University probation may not hold executive board or leadership positions in recognized student organizations and/or councils. Students assigned to this level of probation are not considered in good conduct standing with the university. Additionally, future violations of University policies while on Level 2 University Probation may result in dismissal from the residence halls and/or the University.
3. University or residential service and educational projects and programs:

    a. Students may be assigned projects, programs, and service (hereinafter referred to as “University Service”) to the University or affiliated entities. University Service is work performed at a given location within the University and with a given supervisor. The Director of Student Conduct or their designee will administer University Service outcomes.
    b. Failure to complete the assigned University Service or educational project within the specified time period will result in a violation of the Requests or Orders violation, and may result in further conduct related charges and outcomes. Failure to satisfactorily complete an assigned project, program, or service will result in a notation “Conduct

outcome not completed" on the student's academic record. This notation will be removed upon completion of the assigned educational project, program, or service.

4. Suspension from the residence halls: Residence hall suspensions and outcomes include all residence hall buildings, including apartments. A student may be required to move out of the residence halls for a given period. The student may apply to be readmitted to the residence halls following the period of suspension. No preference shall be given to such students in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall dining areas and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

5. Expulsion from the residence halls: Residence hall expulsion and outcomes include all residence hall buildings including apartments. A student may be required to move out of the residence halls completely and permanently and within the time period stated in the outcome. Any student expelled from the residence halls is prohibited from entering all residence facilities, residence hall dining areas and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

6. Suspension from the University: Upon suspension from the University, a person loses all of the rights and privileges of being a student of the University for a given period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest and further disciplinary action. Suspension from the University will result in a notation on the student's academic record. After a period of five (5) years, a student may request removal of the notation. Any student that is suspended will be blocked from registering for classes and must schedule a meeting with the Office of the Dean of Students prior to registering/returning to the University.

7. Expulsion from the University: When imposed, the sanction of expulsion shall mean permanent dismissal, unless at a later date 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. A student who has been expelled from one constituent institution of the UNC System may not be admitted to another constituent institution of the System, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction.

8. Restriction from personal contact: A student may be restricted from having any personal, verbal, electronic (email, instant message, text message, social media, etc.), written, phone, cell phone, or third-party contact with another person. Intentional contact with the other party is a violation of University policy and may result in additional student conduct action.

9. Alcohol education group: For first-time alcohol violations, a group alcohol education course run by the Health and Counseling Center may be assigned.

10. Individual substance screening: A two-session, one-on-one screening with a counselor.

11. Individual substance counseling: A one-on-one screening with an off-campus counselor that requires the student to complete as many sessions as the counselor deems necessary. These counseling sessions will be individualized to meet the student's needs. Students will be required to complete a release of information with this sanction allowing the University to have knowledge of the student's attendance.

12. Ethics training or ethics paper: These are trainings or papers assigned to students that will ask them to consider their ethics in a particular situation.

13. Policy quiz: These are assigned for some of the minor violations and consist of the completion of a quiz of the Code.

14. Substance use evaluation and treatment: This is an evaluation to assess a student's drug and/or alcohol use, at the student's expense. The student is required to make an appointment with a certified treatment professional, which is someone who has a background in dealing with drug and/or alcohol use in college-aged populations. The provider must be approved by the Director of Student Conduct or designee prior to the student's first session. Students are required to meet the recommendations of the certified treatment professional(s) as indicated in this evaluation. Results must be released to the appropriate University officials, as per the sanction letter.

## VI. APPEALS

An appellate hearing or appeal is not a new hearing; rather it is a review of the case record and the decision of the hearing board to determine if the recorded decision was appropriately reached. Only the Respondent may appeal the finding of a hearing board.

A. Appeals for minor violations:

1. A decision reached by the Dean of Students or designee may be appealed by the respondent to the Associate Vice Chancellor for Student Affairs or designee within five (5) days of the Respondent's receipt of notice of the decision. Such appeals shall be in writing, signed by the student and shall include specific, detailed information regarding the perceived grounds for appeal and the information the respondent feels supports their appeal. The appeal must be submitted in writing via the student's university email account to the Associate Vice Chancellor for Student Affairs, or their designee.
2. An appeal shall be limited to a review of the case record of the hearing and supporting documents for one or more of the following purposes:
   a. To determine a violation of due process;
   b. To determine whether there was a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. (This refers to an error in the procedure as a result of University or Hearing Board actions, or any designee in the process.)
   c. To determine if new information not available at the time of the hearing is discovered.
3. The Associate Vice Chancellor for Student Affairs or designee will respond in writing via University email to the appeal within 10 days of receipt. If an appeal is granted by the Associate Vice Chancellor for Student Affairs or designee, the matter may be addressed in one of the following ways:
   a. modification of the outcomes; or
   b. remand of the case to the Hearing Board (only if specified procedural errors were so substantial as to effectively deny the party a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent party before or during the original hearing)
4. If an appeal is denied, the student must comply with the previously determined outcomes. Written confirmation of sanctions, deadlines, or due dates will be shared with the student by the Director of Student Conduct. If the imposed deadlines for outcomes need modifications in light of the duration of the appeal process, the student must make the request for an extension in writing to the Director of Student Conduct, or their designee, within two (2) days of the appeal findings. All appeal determinations are final.

B. Appeals for serious violations:

1. A determination or an outcome imposed by the Dean of Students or designee may be appealed by the Respondent(s) to the Vice Chancellor for Student Affairs or designee within five (5) days of the decision. Such appeals shall be in writing via University email and shall be delivered to the Vice Chancellor for Student Affairs or their designee.
2. Imposed outcomes are in place and active through the appeal process completion pursuant to an interim suspension and all rights therein. While an appeal is being reviewed, all imposed outcomes or sanctions must be completed.

3. Appeals shall be limited to a review of the case record of the conduct hearing and supporting documents. The appellate body may call for the submission of new and/or additional oral or written evidence as necessary to reach a fully informed decision. The Respondent shall be provided fair opportunity to respond to such additional evidence before the appeal is decided, and the evidence shall be added to the record of the hearing. Appeals are limited to the following grounds, as per University of North Carolina Code Section 502 D(3), (see Section II):
   a. To determine a violation of due process
   b. To determine whether there was a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.
   c. To determine if new information not available at the time of the hearing is discovered.
4. The Vice Chancellor for Student Affairs (or designee) will respond in writing via University email to the appeal within ten (10) days of receipt of the written appeal. If an appeal is granted by the Vice Chancellor for Student Affairs (or designee), the matter may be addressed in one of the following ways:
   a. remand of the case to the original Hearing Board for re-opening of the case; or
   b. return of the case to the Director of Student Conduct (or designee) for a new hearing.

5. No appeal to the Chancellor of UNC Asheville is permitted.
6. All appeal determinations are final.

# VII. EXCEPTIONAL CIRCUMSTANCES

Students are expected to maintain a reasonable level of concern for their own self-welfare as well as for the safety and well-being of others. Individuals whose behavior is alleged to pose a threat or significant impact to the health and safety of themselves or others, or to significantly disrupt University activity, may be in violation of the Code. The University may use extraordinary procedures to protect the safety and well-being of the student, the campus community, and others.

A. Interim suspension
   1. Interim suspension and removal may occur if the University determines that the continued presence of a student:
      a. is potentially threatening, harmful, or dangerous to self, others, or the University community;
      b. poses a threat of significant property damage;

c. impacts the stability and continuity of normal University activities; and/or
d. directly and substantially impedes the lawful activities of others,

2. The Associate Vice Chancellor for Student Affairs, or their designee, in conjunction with appropriate university administrators, may take interim action pending the resolution of a conduct case in order to preserve the safety and well-being of the UNC Asheville community and its members. These actions include, but are not limited to, counseling assessment and/or treatment, restriction of access or privileges, no-contact ban or removal from classes, and interim suspension.
3. Within five (5) days of the effective date of the interim suspension or interim removal, the student may submit an Interim Suspension Appeal Form to request a termination or modification of the interim suspension or interim removal. The Associate Vice Chancellor, or their designee, will review the form and may, in their discretion, meet with the student and utilize information gathered in that meeting to make a decision on whether to terminate or modify the interim suspension or interim removal within three (3) days of receipt of the completed form. The results may determine if the appeal is being overturned, if the appeal is being upheld, or if the appeal should be reconsidered by the Associate Vice Chancellor for Student Affairs.
4. A student who persists in disruptive behavior during a particular class in violation of the Code may be, at the discretion of the Associate Vice Chancellor for Student Affairs (or designee) and in consultation with the Provost and faculty member required to complete the course work through alternative methods, on an interim basis, pending the outcome of a hearing.
5. Forms of Resolution for Interim Suspension

    a. In Absentia Resolution
        1. If the Respondent fails to respond via university email within six (6) days of an initial request from the Associate Vice Chancellor for Student Affairs (or their designee) for a meeting, the case may be resolved in the Respondent's absence through an In Absentia Resolution. The Associate Vice Chancellor for Student Affairs (or designee) will, in their professional judgment, make a determination on responsibility for any Formal Charge(s) and may specify any appropriate outcome(s).
        2. In Absentia resolutions are not available if the Formal Charges constitute a Serious Violation. In such cases, if a Respondent fails to respond to the initial meeting request the case may be referred to a Hearing Board.
    b. Mutual Resolution of Interim Suspension

1. If the Associate Vice Chancellor for Student Affairs (or designee) determines that the Mutual Resolution process is appropriate, they will offer the Respondent the option of a Mutual Resolution during the Respondent's initial meeting or at a subsequent meeting. The Respondent has three (3) Days to respond to an offer of a Mutual Resolution.
2. A Respondent who accepts a Mutual Resolution must voluntarily accept the determinations on responsibility and outcome(s) proposed by the Associate Vice Chancellor for Student Affairs (or designee) and waive their right to a Hearing. The Mutual Resolution must be in writing and signed by the Respondent and the Associate Vice Chancellor for Student Affairs (or designee). The signed Mutual Resolution may not be appealed.
3. If the Associate Vice Chancellor for Student Affairs (or designee) does not offer a Mutual Resolution or the Respondent does not accept a Mutual Resolution, the Associate Vice Chancellor for Student Affairs (or designee) may refer the case to a hearing.

c. Alternative Resolution of Interim Suspension

1. The Alternative Resolution process (an administrative meeting) allows individuals involved in a conflict to have significant influence over the resolution process. The nature of some conflicts, especially those involving violence, may render the case ineligible for the Alternative Resolution process. Whether to offer an Alternative Resolution is at the discretion of the Associate Vice Chancellor for Student Affairs, or their designee.
2. Participation in an Alternative Resolution process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the individuals involved in a conflict, the case is resolved. Resolutions reached through an Alternative Resolution process may not be appealed. If resolution cannot be achieved through an Alternative Resolution process and the matter involves a pending Code violation, the Respondent may be referred to a Hearing Board.

d. Resolution through Hearing for Interim Suspension

1. If the case is not resolved through a Mutual Resolution, Alternative Resolution or an *In Absentia* Resolution, the Director of Student Conduct, or their designee, may refer the case to a hearing. The Associate Vice Chancellor for Student Affairs, or their designee, may modify the Formal Charge(s) based on information provided before or during the Mutual Resolution process.
2. The scheduling of a hearing may be delayed at the discretion of the Associate Vice Chancellor (or designee.)
    a. to accommodate extenuating scheduling concerns,
    b. if the Formal Charge(s) occurs close to the end of an academic semester or term,

c. in the event of the reasonable need of the Respondent or the University for additional time to gather information for the hearing, or
d. upon request of the Respondent due to extenuating circumstances.

B. Residence Hall Temporary Reassignment and Campus Building Restriction
1. Upon receipt of credible allegations of Code violations, the Associate Vice Chancellor for Student Affairs (or designee) may temporarily reassign a resident to another facility and/or restrict a resident from specific University facilities pending the Student Conduct Process whenever:

a. the student's continued presence in a particular campus facility would constitute a danger to the resident or to the safety of persons or property in the residence halls/apartments and campus facilities; or
b. the seriousness of the allegation(s) warrants such action.

- The Associate Vice Chancellor for Student Affairs (or designee) shall grant an immediate review (within 36 hours after the temporary reassignment and/or restriction) on request of any student so reassigned and/or restricted with respect to the basis for such a reassignment and/or restriction. Students must be in compliance with the terms of their interim reassignment/restriction at the time of their request for such a review.
- Medical Amnesty Policy
  1. The University recognizes that students may be reluctant to seek medical attention for themselves or others for incidents related to alcohol or drug consumption, due to a fear of potential consequences for their own conduct. Therefore, the University has adopted this Medical Amnesty Policy to encourage students to seek medical assistance where the use of alcohol or other drugs may result in the endangerment of themselves or another.
  2. Under the Medical Amnesty Policy, the student for whom assistance is sought and a bystander acting in good faith who discloses to University officials an incident of alcohol or drug use, may not be subject to University outcomes for violations of alcohol or drug policies. This means that in most instances, if a student acts with intent to assist or restore the well-being of a student at risk due to alcohol or drug usage, neither party will be subject to University outcomes for drug or alcohol violations.
- Hazing Amnesty
  1. The University recognizes that students may be reluctant to report hazing activity due to a fear of potential consequences for their own conduct. Therefore, if a student makes a good faith report of activity that may fall within the definition of hazing and cooperates fully as a witness in the student conduct process may be exempt from student conduct outcomes related to their own participation in hazing behavior, as determined by the University in its sole discretion.
  2. In the event amnesty is granted for self-reported behaviors, if evidence is presented that the student has continued to engage in hazing behaviors, or has knowledge of hazing activity that was not reported, they may be held accountable for past behavior.

3. Students who choose to report and request amnesty for their own conduct under this policy should know that amnesty does not apply to any criminal or civil action that may be taken by a law enforcement or other agency, including University Police.

## VIII. RECORDS

Conduct records related to an individual student are confidential and will be maintained pursuant to the University's policy regarding Family Educational Rights and Privacy Act (FERPA) records, including limited exceptions that permit disclosure without a student's consent. Any portions of records related to a student organization that do not contain identifiable student information are generally not protected from disclosure.

A. Student conduct records: Student conduct records shall contain documents and when appropriate recordings pertaining to proceedings carried out under the terms of the Code.
B. Maintenance of records: Student conduct records will generally be maintained for a period of eight (8) years after the last incident, as per the UNC System Records Retention Schedule, except in cases of expulsion from the University which may be kept indefinitely.
C. Confidentiality of records: Student conduct records, except as hereinafter provided, will be confidential to the extent possible in accordance with federal and state laws relating to disclosure.
D. A record of student conduct action shall be placed on a student's academic transcript in the following cases:

    a. All cases in which the outcome imposed is expulsion or suspension from the University (this includes but is not limited to cases in which a student is found responsible for an act of violence that meets the reporting requirements found in the Jeanne Clery Act (referred to below as Clery conduct)). A notation will be placed which states, "suspended [or expelled] after a finding of responsibility for a Student Code of Responsibility violation." Further, if a Respondent withdraws (officially or unofficially) from the University while conduct charges are pending and fails to complete the student conduct process, a notation may be placed which states, "withdrew with conduct charges pending."
    b. An academic dishonesty determination.
    c. When an outcome that is imposed is not completed by a student. In this instance, in addition to an academic transcript notation, an administrative "hold" will be placed on the student's academic record. The transcript notation and the hold will be removed upon the completion of the outcome.

2. Five (5) years after the conclusion of the suspension, or in the case of an outcome imposed and not completed five (5) years from the date that the outcome was due, the Vice Chancellor for Student Affairs (or their designee), will consider written requests to

remove the transcript notation. A transcript notation that a student “withdrew with conduct charges pending” may only be removed by completing the student conduct process. Transcript notations of expulsions and academic dishonesty are permanent and may be removed only by the Vice Chancellor for Student Affairs upon request. However, if at any time a finding of responsibility is vacated for any reason, the resulting transcript notation shall be removed.

3. UNC Asheville maintains a student disciplinary record and related supporting documentation for seven (7) years after graduation or withdrawal from the University. Former students may request that the University expunge disciplinary records before this period. The University’s expungement policy reflects the philosophy that students can and do learn from their interactions with the conduct processes and that self-reflection can change an individual’s perspective on their previous actions. Students may request the expungement of their records to the Director of Student Conduct, or their designee. They will review the information provided to determine if expungement is warranted based on the applicant’s contributions to the community, their academic record, and their continued lack of disciplinary records. The applicant will be notified of the outcome of their application in writing within ten (10) days. If an expungement is granted, the record will be maintained for the mandatory seven (7) years but not reported as a disciplinary violation.If after a record is expunged, a student re-enrolls and is found responsible for another violation of the Code then the expunged record will become active again. A letter will be sent to all institutions that requested records during the time the record was expunged indicating the change in status.

## IX. AMENDMENTS AND MODIFICATION OF CODE

Amendments and modifications of the Code are the responsibility of the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs may delegate authority for amendment or modification of the Code. The Code should be reviewed at least every two years.

## X. EFFECTIVE DATE

Any amendment or modification of the Code shall be effective during the academic term following the approved amendment or modification, unless sooner implementation is as mandated by federal and/or state laws or policies

# XI. APPENDIX

A. Academic integrity: Intellectual honesty is a cornerstone of all academic and scholarly work. Academic dishonesty includes any act that is designed to obtain fraudulently, either for oneself or for someone else, academic credit, grades, or other recognition that is not properly earned or that adversely affects another's grade. Therefore, the University views any form of academic dishonesty as a very serious matter. Any member of the academic community may bring forward an accusation of academic dishonesty.
B. Research misconduct: Cases involving allegations of scholarly/scientific misconduct in the course of the University's research programs and activities (whether sponsored or not) are governed by the provisions of University Research Misconduct Policy. This policy is in compliance with federal policies promulgated by the Office of Research Integrity, within the Public Health Service.
C. The CARE Team: The CARE Team (Consult, Assess, Response, Education) is a University-based, multidisciplinary team committed to maintaining a safe and secure working and learning environment for UNC Asheville students and our campus community. The CARE Team addresses student behavior that may pose a threat to health and safety or disrupts University activity. The CARE Team responds to reports of these concerns through an individualized, coordinated, and thoughtful process that is intended to gather relevant information and intervene when appropriate. Further information regarding the CARE Team, including information on how to report behaviors of concern and the Mandated Assessment process, is available on the CARE Team webpage. To report a concern, please contact the CARE Team at dos@unca.edu.

## Useful Links

1. Alcoholic Beverage Policy
2. Technology Policies
3. Campus Posting Policy

4. Fraternity and Sorority Life
5. Smoking Policy
6. Academic Integrity Policies
7. Research Misconduct
8. University Policies
9. Health and Counseling Services

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**Contact Us**

FACULTY & STAFF DIRECTORY

WORK AT UNC ASHEVILLE

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