

REG 11.30.01
Student Code of Conduct Regulation

Authority: Vice Chancellor for Student Affairs

History:

- First Issued: Prior to 2005
- Last Revised: May 9, 2016

Related Policies:

- [UNC Policy Manual: Chapter 100.1 - *The Code*, Section 502\(D\)\(3\) – Relation of the Chancellor to the Constituent Institution](#)
- [UNC Policy Manual 700.4.3\[G\] – Guidelines on Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.2 – Policy on Student Conduct](#)
- [UNC Policy Manual 700.4.1 – Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.1.1\[R\] – Regulation Applicable to Student Disciplinary or Conduct Procedures](#)
- [NCGS §14-269.2 – Weapons on campus or other educational property](#)
- [NCGS §14-292 – Gambling](#)
- [UNC Pembroke POL 01.05.01 – Bylaws of the Board of Trustees](#)
- [UNC Pembroke REG 04.25.04 – Sexual Harassment Regulation](#)
- [UNC Pembroke POL 04.25.05 – Sexual Harassment Policy](#)
- [UNC Pembroke POL 04.25.01 – Drug and Alcohol Policy](#)

Additional References:

- [POL 08.00.05 – Acceptable Use Policy](#)
- [UNC Pembroke Housing and Residence Life Handbook](#)
- [UNC Pembroke Student Handbook](#)
- [Fraternal Information and Programming Group](#)

Contact Information: Director of Student Conduct – 910.521.6851

1. CODE OF CONDUCT

1.1 Any student whose conduct on or off campus violates university policies, regulations, or federal, state, or local law may be subject to disciplinary action through the Office of Student Conduct. No student will be permitted to graduate or officially withdraw from the university while disciplinary action is pending against him or her. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. All students must report, in writing, any federal, state or local criminal charges and/or dispositions of criminal charges to the Office of Student Conduct.

1.2 According to the Bylaws of the Board of Trustees of The University of North Carolina at Pembroke (POL 01.05.01), ratified in March of 1968, the administration of the university is responsible for all phases of student discipline. The administration holds that a student enrolling in the university assumes an obligation to conduct himself/herself in a manner compatible with the university's function as an educational institution. Further, the Board of Trustees has directed the administration to take appropriate disciplinary action against students and student organizations that are found to be in violation of the university's Code of Conduct.

1.3 A UNCP student shall refrain from engaging in behaviors that violate the Code of Conduct listed below, which reflect conduct unbecoming of a student at The University of North Carolina at Pembroke.

1.4 The university embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

1.5. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

1.6. Violations of campus or university policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline in accordance with outlined outcomes of Disciplinary sanctions.

2. VIOLATING THE ACADEMIC HONOR CODE

2.1 Cheating. Cheating means the use of or attempted use of unauthorized materials and methods (notes, books, electronic information, submission of work composed by another entity, telephonic or other forms of communication, or other sources or methods) in any academic exercise, whether graded or otherwise. This definition includes both giving unauthorized information (in either oral or written form) and receiving such information during any academic exercise, whether graded or otherwise.

2.2 Plagiarism. Plagiarism is defined as the representation of another's words, thoughts, creative works, images or ideas as one's own without proper attribution in connection with submission of academic work, whether graded or otherwise.

2.3 Fabrication and falsification. Fabrication and falsification is defined as the alteration, invention or citation of any information or material in any academic exercise, whether graded or otherwise. Falsification is a matter of altering information or material, while fabrication is a matter of inventing or counterfeiting information or material for use in any academic exercise, whether graded or otherwise.

2.4 Abuse of Academic Materials. Abuse of Academic Materials is defined as the destruction, defacement, stealing, altering, or making inaccessible library or other academic material.

2.5 Complicity in Academic Dishonesty. Complicity in Academic Dishonesty means knowingly helping or attempting to help another person to commit any act of academic dishonesty. For example complicity would include allowing another student to look at test answers or to copy a paper. Simply stated, don't help someone else be dishonest.

3. DECEPTION AND DISHONESTY

3.1 Lying to or misleading faculty members or university officials, for any purpose.

3.2 Withholding, with knowledge, information from the university.

4. FRAUD

4.1 Forging, altering, defrauding, or misusing documents, charge cards or money, checks, records, and ID cards of an individual or the university.

4.2 No student shall misrepresent himself/herself in, or with regard to, any transaction with the university, whether oral, written, or by other means.

4.3 The creation, possession, and/or use of any form of false identification.

5. FAILURE TO COMPLY WITH AN OFFICIAL REQUEST

5.1 Failure to comply with the official and proper order of a clearly identifiable university official or law enforcement officer acting within the scope of their employment.

5.2 Uncooperative response to faculty members, university officials, or any local, state, and federal law enforcement officers.

6. FAILURE TO PRESENT IDENTIFICATION

6.1 Failure to present his/her ID when requested to do so by a university official.

7. COMPUTING APPROPRIATE USE POLICY

7.1 Violating the UNCP appropriate use policy for computers, networks, and federal copyright law (See [Division of Information Technology Policy 01 03 Appropriate Use Policy.](#))

8. DISRUPTIVE AND DISORDERLY CONDUCT

8.1 No student shall engage in conduct that is disorderly, lewd, or indecent; breach of peace; or aid, abet, or procure another person to breach the peace on university premises or at functions sponsored by, or participated in, by the university or members of the academic community.

9. SETTING OF FIRE AND FIRE HAZARDS

9.1 No student shall start a fire or create a fire hazard on university-owned or operated property or properties off campus (willful damage to property by fire shall be prosecuted as arson when appropriate).

10. FIRE SAFETY EQUIPMENT

10.1 Misusing, tampering with, or disturbing without proper cause any fire prevention and control equipment.

11. CLASSROOM BEHAVIOR

11.1 Disrupting classroom activity and/or other university functions by operating cellular technology, including, but not limited to, unauthorized use of phones, tablets, mp3 players, laptops, pagers, beepers, etc. in classrooms, libraries, and labs.

12. OBSTRUCTING OR DISRUPTING TEACHING, RESEARCH, OR OTHER UNIVERSITY ACTIVITIES

12.1 Obstructing or disrupting teaching, research, or other university activities on university premises. Obstruction and/or disruption may occur through alarming others; making unreasonable noise; creating a hazardous or lewd condition by any act, which violates applicable university policy or regulation. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards.

12.2 Management of disruptive behavior in the classroom is left to the discretion and supervision of the individual faculty member. It is suggested that the faculty member make clear to the class in the syllabus or at an early class meeting that any behaviors that disrupt the teaching and/or educational process will not be tolerated. If a student displays such behavior, the faculty member should confront the behaviors early and directly by speaking to the student. It is recommended that the faculty member document any conversations with a student regarding their behavior. If the student does not adjust their behaviors the faculty member should ask the student to leave the classroom or speak with the student at the end of class and provide written documentation immediately to the department chair, dean, and associate vice chancellor for academic affairs. A written summary statement should be provided to the student before the next class meeting outlining the conditions under which the student may return to the class, if allowed to do so, or notifying the student that the faculty member, in consultation with the department chair and dean, is recommending to academic affairs that the student be administratively withdrawn from the class. The associate vice chancellor for academic affairs will ask the student for a written summary of class events. After reviewing materials submitted and conversation(s), the associate vice chancellor for academic affairs will make a determination concerning the request for an academic withdrawal. The decision of the associate vice chancellor is final.

13. THREATENING ANOTHER

13.1 Threatening another individual physically, verbally or by any other means in a manner to

make that individual reasonably believe that the threat or threats are likely to be carried out; harassment; intimidation; or coercion by any means including electronic communication.

14. HARASSMENT, BULLYING, OR INTIMIDATION

14.1 No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid university policy, while on university premises or at university sponsored activities based in whole or in part upon the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.

14.2 No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is: (1) Directed toward a particular person or persons; (2) Based in whole or in part upon the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status; (3) Unwelcome; (4) Severe or pervasive; (5) Objectively offensive; and (6) So unreasonably interferes with the target person's employment, academic pursuits, or participation in university-sponsored activities as to effectively deny equal access to the university's resources and opportunities.

14.2.1 In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards.

14.3 **Harassment - Sexual:** unwelcome verbal, nonverbal, online, graphic, or physical aggression, intimidation, or hostile conduct based on person's Protected Status, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the university's education or work programs or activities. Sexual Harassment may be subject to discipline when it takes the form of: 1) hostile environment; 2) quid pro quo harassment; and/or 3) retaliatory harassment.

14.4 **Harassment - Hostile Environment:** unwelcome conduct based on protected status that is so severe, persistent, or pervasive and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the school's educational, social, and/or residential programs, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

14.5 **Harassment - Quid Pro Quo:** unwelcome conduct based on protected status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a university program or activity.

14.6 **Harassment - Retaliation:** acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from

engaging in the protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated.

15. ELECTRONIC DEVICES

15.1 Any unauthorized use of electronic or other devices to make an audio or video record of any person while on university premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym locker room, or restroom.

16. ENDANGERING THE HEALTH AND/OR SAFETY OF ANY PERSON

16.1 No student shall take any action that creates a danger to any person's health or safety or personal well-being.

17. PHYSICAL ASSAULT

17.1 No student shall commit an act of physical harm or threaten to cause physical harm to another person. This includes, but is not limited to, any unwanted touching or attempted unwanted touching that causes physical injury or pain to another person.

18. SEXUAL AND INTERPERSONAL MISCONDUCT

18.1 Sexual Misconduct

18.1.1 Any attempted or actual act of non-consensual or forcible sexual touching including, but not limited to, fondling, kissing, groping, attempted intercourse (whether oral, anal or genital), or attempted penetration with a digit or any other object.

18.2 Sexual Harassment

18.2.1 Sexual harassment of any member of the university community (See Sexual Harassment Policy in Student Handbook Section V. Administrative Policies).

18.3 Sexual Exploitation

18.3.1 No student shall take non-consensual, unjust, or abusive sexual advantage of another for one's own advantage or benefit or to benefit or advantage anyone other than the one being exploited and, that behavior does not otherwise constitute rape, sexual assault, or sexual harassment.

18.3.2 Examples of sexual exploitation include, but are not limited to, prostituting another student, non-consensual video or audio taping of sexual activity, going beyond the boundaries of consent (such as letting friends surreptitiously watch you have consensual sex, or unauthorized distribution of photos or other materials of a sexual nature), engaging in voyeurism, and inducing incapacitation with the intent to rape or sexually assault another person or with the intent to create opportunity for a third party to rape or sexually assault another person.

18.4 Sexual Assault

18.4.1 Anal or vaginal penetration of another individual against that person's will and/or without that person's consent; any oral penetration of another individual by a sexual organ against that person's will and/or without that person's consent; or any insertion of another individual's genitals into one's mouth, anus, or vagina against that person's will and/or without that person's consent. Sexual Assault may include any involuntary sexual act in which a person is threatened, coerced, or forced to engage in against his or her will or while temporarily or permanently incapacitated. Sexual assault may be committed by a stranger or by a person known by the victim, including persons who are married or in a dating relationship with the victim.

18.4.2 Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will or without consent, and forcing an unwilling person to touch another person sexually.

18.4.3 Non-consensual sexual intercourse includes: vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

18.4.4 Sexual assault occurs when sexual acts are committed either without consent, by force, threat, or intimidation, or through the use of the victim's mental or physical helplessness or incapacitation, of which the assailant was aware or should have been aware.

18.5 Domestic Violence

18.5.1 No student shall engage in an act of violence, which causes harm or may cause harm to a partner. This includes, but is not limited to, any unwanted touching or attempted unwanted touching.

18.5.2 The term "domestic violence" includes acts of violence committed by:

18.5.2.a. a current or former spouse or intimate partner of the victim/survivor;

18.5.2.b. a person with whom the victim/survivor shares a child in common;

18.5.2.c. a person who is cohabiting with or has cohabited with the victim/survivor as a spouse or intimate partner;

18.5.2.d. a person similarly situated to a spouse of the victim/survivor under the domestic or family violence laws of the jurisdiction in which the act of violence occurred; or

18.5.2.e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family domestic violence laws of the jurisdiction.

18.6 Dating Violence

18.6.1 No student shall engage in an act of violence which causes harm or may cause harm to a dating partner. This includes, but is not limited to, any unwanted touching or attempted unwanted touching.

18.6.2 The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

18.6.2.a. the length of the relationship;

18.6.2.b. the type of relationship; and

18.6.2.c. the frequency of interaction between the persons involved in the relationship.

18.7 Stalking

18.7.1 No student shall engage in a course of conduct directed at a specific individual on the basis of that individual's actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to (a) fear for his or her safety or the safety of others; or, (b) suffer substantial emotional distress.

18.7.2 Acts of stalking include, but are not limited to, following another person, telephone calls, email messages, meeting at classes or places of residence, and written and electronic notes or letters.

18.8 Other Sexual Offenses

18.8.1 Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs without physically contacting the victim or the display of sexual behavior that would reasonably be offensive to others.

19. UNAUTHORIZED ENTRY/TRESPASSING

19.1 Unauthorized entry or presence in or upon or use of any university premises or property including, but not limited to, roofs, storage facilities, crawl spaces, mechanical rooms, and out buildings or student property (i.e., automobiles, lockers, or residences) or unauthorized possession, duplication, loan, or use of keys to any university premises or property.

20. OFFENSIVE OR DISRUPTIVE SPEECH/CONDUCT

20.1 Engaging in objectively offensive or disruptive speech or conduct directed toward a member of or visitor to the university community, if such language or conduct is obscene or so severe and pervasive as to constitute legally prohibited harassment in that it effectively prevents an individual from obtaining an education or creates an objectively hostile educational work environment.

21. ABUSE OF STUDENT CONDUCT SYSTEM

21.1 Failure to obey the notice from a Campus Judicial Board or university official to appear for a meeting or hearing as part of the student conduct system.

21.2 Falsification, distortion, or misrepresentation of information before a Campus Judicial Board or university hearing official.

21.3 Disruption or interference with the orderly conduct of a Campus Judicial Board or administrative hearing proceeding.

21.4 Institution of a student conduct code proceeding in bad faith.

21.5 Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

21.6 Attempting to influence the impartiality of a member of a Campus Judicial Board or administrative hearing officer prior to, and/or during the course of, the Campus Judicial Board or administrative hearing proceeding.

21.7 Harassment (verbal or physical) and/or intimidation of a member of a Campus Judicial Board or administrative hearing officer prior to, during, and/or after a student conduct code proceeding.

21.8 Failure to comply with the sanction(s) imposed under the student code.

21.9 Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

22. VIOLATING POLICIES GOVERNING RESIDENCE LIFE

22.1 See [Housing and Residence Life Handbook](#).

23. BICYCLES, SKATES, SKATEBOARDS, AND SCOOTERS

23.1 Roller skating/blading, skateboarding, scooter riding, and the riding of bicycles is prohibited in university buildings.

23.2 Roller skating/blading, skateboarding, scooter and bicycle riding as a means of transportation is only permitted on walkways and ramps when the operator does not create a hazard to themselves or others.

23.3 Performing jumps or other stunts (“hot-dogging”) is strictly prohibited on campus.

23.4 Roller skating/blading and skateboarding by visitors is prohibited.

23.5 Skateboarders and roller skaters/bladers may not be towed by bicycles or other vehicles.

24. VANDALISM AND DAMAGE TO PROPERTY

24.1 The unauthorized vandalism, malicious destruction, damage, or misuse of public or private property, including library materials.

25. LITTERING

25.1 No individual may scatter, spill, or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public or private property.

26. STEALING OR ATTEMPTING TO STEAL

26.1 Stealing or attempting to steal, aiding or abetting, receiving stolen property, selling stolen property, or embezzling the property of another person or the university.

27. ALCOHOL

27.1 The illegal and irresponsible use, possession, and distribution of alcohol on university property is prohibited (see Student Handbook Section V. Administrative Policies).

27.1.a. Possession and/or use of alcohol under the age of 21.

27.1.b. Sale and/or distribution of alcohol to an individual under the age of 21.

27.1.c. Being intoxicated or overcome by alcohol while in public.

27.1.d. Operating a motor vehicle while intoxicated or under the influence of alcohol.

27.1.e. Manufacturing of any type of alcoholic beverage while living in student housing.

27.1.f. Possession and/or use of common source alcohol containers.

27.1.g. Hosting a social event with alcohol which involves disruptive behavior, illegal use/possession of alcohol, and/or other violations of university policy.

27.1.h. Participation in behaviors/games/devices which are consistent with rapid consumption, including, but not limited to, beer funnels/bongs, keg stands, shot-gunning/chugging, flip cup, circle of death, beer bong, quarters, etc.

28. DRUGS

28.1. The illegal and irresponsible use, possession, manufacturing, and distribution of drugs on university property is prohibited (see Student Handbook Section V. Administrative Policies).

28.1.a. Unauthorized possession and/or use of a controlled substance(s).

28.1.b. Sale and/or distribution of a controlled substance.

28.1.c. Being intoxicated or overcome by a controlled substance or drug while in public.

28.1.d. Operating a motor vehicle while intoxicated or under the influence of drugs.

28.1.e. Manufacturing any type of controlled substance or drug.

28.1.f. Possession of any drug-related paraphernalia, including, but not limited to devices commonly used for smoking marijuana and other drugs devices commonly employed in the use of drugs.

28.1.g. Hosting a social event in which controlled substances or drugs are being used.

28.1.h. Knowingly being in the presence of others violating the drug policy.

29. HAZING

29.1 No student(s), organization(s), or athletic team(s) shall conduct or condone hazing activities. Hazing is defined as: "Any action taken or situation created intentionally or unintentionally, with or without consent of the person being hazed, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, ridicule, or any other activities which are not consistent with academic achievement, and the regulations and policies of UNC Pembroke, or North Carolina state law." (see Student Handbook Section V. Administrative Policies).

30. WEAPONS, EXPLOSIVES, AND DANGEROUS CHEMICALS

30.1 Intentional use, possession, or sale of firearms, explosives (including fireworks), ammunition (including live or empty shells/bullets), or other weapons on university property or at an event sponsored or supervised by the university or by any recognized university organization. The term "weapons" will include, but is not limited to, the items listed above, as well as BB guns, pellet guns, paintball guns, tasers, stun guns, knives, brass knuckles, martial art devices, bows and any other items prohibited by North Carolina State Statute §14-269.2.

31. GAMBLING

31.1 Gambling is prohibited on university property, except as permitted by law. Gambling for money or other things of value includes, but is not limited to, betting on, wagering on, or selling pools on any athletic or competitive event.

32. UNIVERSITY POLICIES

32.1 No student shall take any action, which violates any published university policies or procedures. This includes the violation of any university published policy, rule, or regulation in hard copy or available electronically on the university website.

33. KNOWINGLY ACTING AS AN ACCESSORY TO ANY CHARGES

33.1 Any act that assists another in violating any university policy or regulation.

33.2. Being present while the offense is committed and advising, instigating, or encouraging the act.

33.3. Facilitating in the committing of an offense in any way.

34. RESPONSIBILITY FOR GUESTS

34.1 Any violation of the Student Code of Conduct by one's non-University of North Carolina at Pembroke guest. "Guest" is defined as any non-student present on university premises at the invitation and/or hosting of a UNCP student.

35. VIOLATION OF FEDERAL, STATE, OR LOCAL LAW

35.1 Any act committed by a student on or off campus that is a violation of federal, state, or local law.

36. STUDENT ORGANIZATION BEHAVIOR

36.1 Any student organization found to have violated the Student Code of Conduct, or any Greek letter organization found to have violated the Student Code of Conduct or the Fraternal Information & Programming Group (FIPG) Risk Management Policy will be subject to sanctioning through the university judicial process.