

IV. Rights and Responsibilities



Student Rights and Responsibilities

Students who apply for admission to the University of North Carolina at Pembroke and are subsequently admitted are not enrolled as a legal or constitutional right. Authority to determine academic admission standards is delegated to the Board of Trustees and the Chancellor. When a student is admitted to UNCP, he or she accepts the rules, regulations, and procedures that apply to the campus.

Students attend UNCP as a voluntary act and accept substantial benefits which the State of North Carolina provides. In taking such action, and accepting the benefits which accrue, students must accept the rules and regulations that have been developed pursuant to law.

Upon enrollment, a student receives no sanctuary from obedience to law. A student is not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. In addition to the federal, state, and local laws that pertain to all citizens, a student must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established. The student does not, however, lose constitutional or legal rights by an act of voluntary enrollment. The Code of the University of North Carolina specifically refers to the important right of a fair hearing and due process. Federal and state statutes and court cases have established certain student rights which are not to be infringed upon, except in situations which are themselves outlined in law and court procedures. Among these are:

1. No student may be denied access to university facilities or programs on the basis of race, color, national origin, religion, sex, age, sexual orientation, disability, or because of the individual's honorable service in the Armed Services of the United States.
2. No student may be denied the protection of the First Amendment of the Constitution of the United States and Article I of the Constitution of the State of North Carolina, which refer to freedom of speech, freedom of religion, freedom of the press, and freedom to assemble peacefully.
3. No student may be denied the continuance of his/her education for disciplinary reasons without being afforded the right to due process.

Additional rights recognized by UNCP are:

4. The right to read and study free from undue interference in one's room. (Unreasonable noise and other distractions inhibit the exercise of this right.)
5. The right to sleep, the right to one's personal belongings, the right to free access to one's room and suite facilities during the period that the residence halls are open, the right to a clean environment in which to live. (Optimum physical conditions are essential, as they support, reinforce, and provide positive conditions in which to learn and live.)
6. The right to redress of grievances. If the academic and residence hall communities are to function in the most educationally profitable manner, the right to initiate actions and referrals for impartial and fair adjudication of grievances is held paramount. In exercising this right, the student further holds the right to be free from fear or intimidation, physical and/or emotional harm, and without imposition of sanctions apart from the due process.
7. The right to personal privacy. All persons should have freedom from interference with their personal activities and should be able to maintain privacy for other than academic reasons.

8. The right to host guests. All students should have the opportunity to maintain personal contacts and friendships with other persons to fulfill their needs for socialization. Guests are to respect the above stated rights of the host's roommates and of other residents.

Academic Honor Code

By accepting admission to The University of North Carolina at Pembroke, each student also accepts the standards of conduct, both in the classroom and outside it, of the UNCP community. One of the most important of these standards is academic honesty. You are expected to know what the Academic Honor Code says and to apply the provisions of that Code to your conduct at the University.

Statement of Principles

Academic honor and integrity are essential to the existence of a university community. If high standards of honesty are not maintained by everyone, the entire community and society itself suffer. Maintaining standards of academic honesty and integrity is ultimately the formal responsibility of the instructional faculty. Therefore, when any academic dishonesty is suspected, a faculty member has the responsibility to, and must, follow the policies and procedures of the Academic Honor Code.

Students are important members of the academic community. As responsible citizens of the UNCP community, students are obligated to uphold basic standards of honesty, and to actively encourage others to respect and maintain those standards. Allowing academic dishonesty is just as dishonest as committing a dishonest act oneself.

What Acts Violate the Academic Honor Code?

While specific violations may take many forms, the general categories of acts that violate the Academic Honor Code are as follow:

A. Cheating:

Cheating means intentionally using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise (for example, on a test). This definition includes both giving unauthorized information (in either oral or written form) and receiving such information during any academic exercise.

B. Plagiarism:

Plagiarism is intentionally or knowingly presenting someone else's words or ideas as one's own. You avoid plagiarism by very carefully acknowledging the sources of ideas you use and by appropriately indicating any material that has been quoted (that is, by using quotation marks and properly acknowledging the source of the quote, usually with a clear reference source citation and page number).

C. Fabrication and Falsification:

This refers to intentional and unauthorized alteration or invention of any information or citation in an academic exercise. Falsification is a matter of altering information, while fabrication is a matter of inventing or counterfeiting information for use in any academic exercise. For example, a student who changes an answer on a test and claims that the item was incorrectly scored has falsified information. A student who makes up reference citations for a term paper has fabricated that information.

D. Abuse of Academic Materials:

Here we mean intentionally or knowingly destroying, stealing, or making inaccessible library or other academic material. Remember that library materials are borrowed, not yours to keep. For example, a student who tears an article out of a journal in the library has abused library materials. Similarly, a student who intentionally damages a computer in a campus computer lab has violated this standard.

E. Complicity in Academic Dishonesty:

Complicity means intentionally or 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. In a word, don't help someone else be dishonest.

Penalties for Violations of the Academic Honor Code

The UNCP community takes the Academic Honor Code very seriously. Consequently, violations may lead to severe penalties. All acts of academic dishonesty violate standards essential to the existence of an academic community. Some first offenses are properly handled, and penalties determined, by the faculty member teaching the specific course in which they occur. The faculty member must use the settlement procedure described below to handle such an offense.

Penalties which individual faculty members may impose are limited to the following: (a) a formal warning or reprimand; (b) a reduced grade (including F) for the assignment; (c) a reduced grade (including F) for the entire course. In all cases, whatever the penalty, a record (a signed form) of the settlement of any charge of a violation of the Academic Honor Code will be kept for ten years in the Office for Student Affairs. The purpose of this record-keeping is to deter students from repeating offenses. A second purpose is to be sure students who violate the Academic Honor Code a second time are dealt with appropriately.

The Campus Judicial Board (CJB) handles all second offenses, some more serious first offenses, and any charges that the student feels are unfounded. In addition to any of the penalties available to an individual faculty member, the CJB may suspend the student from the University for a designated period of time (one semester, one year, etc.) or even dismiss the student from the University.

Several factors are considered in determining what penalty to impose for a violation of the Academic Honor Code. Those factors include: the nature and seriousness of the offense; the injury or damage resulting from the violation; the student's motivation and state of mind at the time of the incident; the student's prior disciplinary record; and the student's attitude and behavior after the violation was committed.

Procedures for Handling Charges of Violations

If the faculty member responsible for a course obtains evidence, either directly or through information supplied by others, that a student may have violated the Academic Honor Code, the faculty member has a duty to investigate the incident by collecting whatever relevant evidence is available.

If the faculty member decides that the evidence is sufficient to support a charge against the student, the faculty member is to contact the Director of Student Conduct, who will determine from the records of past violations whether the student in question has previously admitted to, or been found guilty of, an Academic Honor Code violation.

If the suspected violation would be a second offense, the faculty member must take the case to the CJB. If the charge would be a first offense and the faculty member believes that a penalty no greater than F in the course would be appropriate, the charge may be settled between the faculty member and the student (as described below), with the settlement form signed and filed with the Office for Student Affairs. If the suspected violation would be a first offense, but one for which the faculty member considers the appropriate penalty to be more severe than F in the course, the case must be brought to the Chairperson of the CJB.

Once a student has received notice that he or she is charged with an Academic Honor Code offense, he or she may not withdraw from the course in order to avoid the penalty.

Settlement Procedure to be Used by Individual Faculty Members

The faculty member should meet with the student suspected of violating the Academic Honor Code, present the evidence of the violation, and request an explanation from the student. After

hearing the explanation, if the faculty member decides that a violation has occurred, he or she fills out and signs the Settlement of a Charge of Academic Dishonesty form, which is available to all faculty members. This form may be obtained from the Office for Student Affairs. The faculty member indicates the nature of the violation and the penalty to be applied, and then gives the form to the student. After receiving the form, the student has three school days to consider and seek advice on whether to admit guilt and accept the penalty by signing the form.

If the student agrees to sign, admitting guilt and accepting the penalty proposed, he or she does so in the presence of the faculty member. The faculty member then imposes the penalty. The faculty member will send the signed settlement form to the Director of Student Conduct, who keeps a record of first offenses for **ten years**, and thus the matter is ended. If the student decides not to admit guilt or not to accept the penalty, the faculty member must take the case to the Chairperson of the Campus Judicial Board, if any penalty is to be imposed.

Campus Judicial Board

Composition of the CJB is as follows: two students recommended by the President of Student Government Association and appointed by the Chancellor; two faculty members recommended by the Faculty Senate Chairperson and appointed by the Chancellor; and, one administrative member recommended by the Vice Chancellor for Student Affairs and appointed by the Chancellor. **Hearings follow procedures outlined in the UNCP Student Constitution.** The CJB will judge the student as responsible or not responsible of the charges contained in the form submitted by the faculty member. Both the student who has been charged with a violation and the faculty member who has made the charge will give evidence to support their positions. Members of the CJB may question either the student or the faculty member or both and may ask for additional materials as they see fit to do so. In a closed session, the CJB will come to a conclusion about the validity of the charges.

If the student charged with a violation of the Academic Honor Code is found not responsible, the CJB prepares a written report of the case and sends it to the Director of Student Conduct, who will maintain a confidential file of materials related to the case. No part of the file becomes part of the student's disciplinary record. The case is closed, and no penalty may be imposed.

If a student is found responsible of violating the Academic Honor Code, the CJB will determine an appropriate penalty. Both the student and faculty member who submitted the charge may give evidence and make statements concerning the appropriate penalties to be imposed. The Vice Chancellor for Student Affairs will supply the student's previous Academic Honor Code disciplinary record (if any) to the CJB.

After hearing the evidence on the appropriate penalty, the CJB will determine the penalty, and prepare a written report to the student and the Director of Student Conduct. The Director of Student Conduct notifies the faculty member and the Provost and Vice Chancellor for Academic Affairs of the contents of that report. If the CJB decides that a penalty of a grade of F in the course (or one less severe) is appropriate, the faculty member imposes that penalty and no other penalty. If a more severe penalty is deemed appropriate, the Director of Student Conduct implements the penalty indicated in the report. The student will be notified by the Director of Student Conduct within five days of the CJB's determination of penalty.

Campus Appeal Board

If the CJB has found a student responsible of violating the Academic Honor Code, the student has the right to appeal that decision. The student has five school days from the date he or she is notified of the CJB's decision to file a written notice of appeal with the Director of Student Conduct. If the student does not file a notice of appeal, the decision of the CJB will be final.

If the student does file a notice of appeal within five days, the Director of Student Conduct shall deliver this request as well as materials related to this case to the Campus Appeal Board.

The composition of the Campus Appeal Board and its powers are in the UNCP Student Constitution. For Academic Honor Code violations and their appeals, the Provost and Vice Chancellor for Academic Affairs or his or her designate will represent the Chancellor or designee.

NOTE: All charges for alleged Academic Honor Code violations occurring one week prior to exams and going through exam week and during summer sessions will be heard by the administrative hearing officer. Appeals will be directed solely to the Provost and Vice Chancellor for Academic Affairs or designee.

What to Expect from Faculty

Faculty members have been instructed that they should outline their expectations pertaining to the Academic Honor Code at the beginning of each course. Students should be aware that some faculty members authorize or prohibit specific forms of student conduct which are unique to their courses or disciplines. All faculty members should refer students to the Academic Honor Code which is published in the UNCP Student Handbook. Further, faculty members have been advised to include the following statement in all course syllabi.

Student Academic Honor Code

Students have the responsibility to know and observe the UNCP Academic Honor Code. This code forbids cheating, plagiarism, abuse of academic materials, fabrication or falsification of information, and complicity in academic dishonesty. Any special requirements or permission regarding academic honesty in this course will be provided to students in writing at the beginning of the course, and are binding on the students. Academic evaluations in this course include a judgment that the student's work is free from academic dishonesty of any type; and grades in this course therefore should be and will be adversely affected by academic dishonesty. Students who violate the code can be dismissed from the University. The normal penalty for a first offense is an F in the course. Standards of academic honor will be enforced in this course. Students are expected to report cases of academic dishonesty to the instructor.

In general, faculty members should, and will, take preventive measures to avoid cases of academic dishonesty (for example, examinations should be carefully proctored). However, a faculty member's failure to take such measures is no excuse for academic dishonesty. Academic honesty and integrity, in the final analysis, are matters of personal honesty and individual integrity on the part of every student.

Code of Conduct

Any student whose **conduct on or off campus** becomes unsatisfactory and is determined to have a detrimental impact on the mission of the University will be subject to appropriate action through the Student Conduct Office. 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.

According to the By-Laws of the Board of Trustees of The University of North Carolina at Pembroke, 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.

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. Violating the Academic Honor Code

(See Academic Honor Code Section IV. Student Handbook)

- a) Cheating
- b) Plagiarism
- c) Fabrication and Falsification
- d) Abuse of academic materials
- e) Complicity in academic dishonesty

2. Providing False Information

- a) Furnishing false information to the University with intent to deceive
- b) Withholding, with knowledge, information from the University

3. Fraud

- a) Forging, altering, defrauding, or misusing documents, charge cards or money, checks, records, and ID cards of an individual or the University
- b) No student shall misrepresent himself/herself in, or with regard to, any transaction with the University, whether oral, written, or by other means

4. Failure to Comply with an Official Request

Refusing to comply with any lawful order of a clearly identifiable University official acting in the performance of his/her duties in the enforcement of University policies (residence staff members are considered University officials when acting in an official capacity)

5. Failure to Present Identification

Failure to present his/her ID when requested to do so by a University official

6. Failure to Discharge University Obligations

Neglecting to discharge all obligations to the University prior to the close of each semester

7. Computing Appropriate Use Policy

Violating the UNCP appropriate use policy for computers, networks and federal copyright law (See Division of Information Technology Policy 01 03 Appropriate Use Policy found online at www.uncp.edu/doit/policies/policy0103.html)

8. Disruptive and Disorderly Conduct

Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring 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

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

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

11. Classroom Behavior

Disrupting classroom activity and/or other University functions by operating cell phones, pagers, beepers, etc., in classrooms, libraries, and labs

12. Obstructing or Disrupting Teaching, Research or other University Activities

Obstructing or disrupting teaching, research or other University activities on University premises; the handling of disruptive behavior in the classroom is left to the discretion of the individual faculty member. However, 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 deal with it early and directly by speaking to the student. If it continues to be a problem the faculty member may ask the student to leave the classroom and should report the student to the Vice Chancellor for Student Affairs. Written documentation should be kept for each instance including how it was handled. At the faculty member's request and with appropriate documentation, the Office for Academic Affairs will administratively withdraw the student from class(es) as a result of repeated disruptions to the academic process.

13. Threatening another

By means other than the use or threatened use of physical force, harassing or threatening another in a manner or through such behavior that a reasonable person would find threatening

14. Harassment

Harassing another student by using objectively offensive speech or behavior of a biased or prejudiced nature related to one's race, color, creed, national origin, sex, religion, handicap, or age if such speech and/or behavior is so severe and pervasive as to effectively prevent the other student from obtaining an education or to create an objectively hostile educational environment

15. Electronic Devices

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 picture of another person in a gym, locker room, or restroom.)

16. Endangering the Health and/or Safety of Any Person (including one's self)

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

17. Assault

No student shall cause physical harm or threaten to cause physical harm to another person. This includes, but is not limited to, the following: any unwanted and unlawful touching or attempted unwanted and unlawful touching (Physical assaults may result in suspension from the University.)

18. Stalking

No student shall engage in conduct that may cause a person to fear for his/her safety due to a pattern of behavior that is unwanted and/or an emotional/mental disruption of his/her daily life (Such acts may include, but are not limited to, following another person, telephone calls, e-mail messages, meeting at classes or places of residence, and written and electronic notes or letters.)

19. Unauthorized Entry/Trespassing

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 (ie., 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

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

- a) 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
- b) Falsification, distortion, or misrepresentation of information before a Campus Judicial Board or University Hearing Official
- c) Disruption or interference with the orderly conduct of a Campus Judicial Board or Administrative Hearing proceeding
- d) Institution of a student conduct code proceeding in bad faith
- e) Attempting to discourage an individual's proper participation in, or use of, the student conduct system
- f) 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
- g) 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
- h) Failure to comply with the sanction(s) imposed under the Student Code
- i) Influencing or attempting to influence another person to commit an abuse of the student conduct code system

22. Violating Policies governing Residence Life

See Housing Contract and Student Housing section VIII. of the Student Handbook

23. Bicycles, Skates, Skateboard & Scooters

- a) Roller skating/blading, skateboarding, scooter riding and the riding of bicycles is prohibited in University buildings
- b) Roller skating/blading, 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
- c) Performing jumps or other stunts ("hotdogging") is strictly prohibited on campus
- d) Roller skating/blading and skateboarding by visitors is prohibited
- e) Skateboarders and roller skaters/bladers may not be towed by bicycles or other vehicles

24. Vandalism & Damage to Property

Vandalism, destroying maliciously, damaging or misusing public or private properties, including library materials

25. Littering

All litter must be placed in a proper receptacle: 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

Stealing or attempting to steal, aiding or abetting, receiving stolen property, selling stolen property, or embezzling the property of another person or the University (Book Selling - When a student resells a book to an individual or to the bookstore, that student is held responsible if the book which is being resold is stolen property. If, and when, a student buys a book from another student, it is the purchaser's or seller's responsibility to be able to identify the student involved. If the student buying the book will not or cannot identify the seller, the student buying the book will be held responsible. The student who sells a book to another student should always have his/her ID number in the book.

27. Alcohol & Drugs

- a) Being intoxicated in public, displaying, driving under the influence, illegally possessing or using alcoholic beverages or liquors, or providing alcohol to students under legal age, found visibly overcome by alcohol, driving while under the influence of alcohol
- b) 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 Pong, Quarters, etc.
- c) Kegs are not permitted on campus. Students may not possess kegs, or any other common source containers of alcohol such as "party balls", or use any item such as a bathtub, trash can or similar container to hold alcohol
- d) Illegally manufacturing, selling, using, or possessing narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other known drugs and/or chemicals
- e) Buying, selling, possessing, or using any kind of drug paraphernalia or counterfeit drugs (see The University of North Carolina at Pembroke Illegal Drug and Alcohol Policy in the Student Handbook section V. Administrative Policy)

28. Hazing

Participating in hazing or illegal harassment of UNCP students (see Student Handbook section V. Administrative Policies)

29. Weapons, Explosives and Dangerous Chemicals

- a) No student shall possess or use firearms, explosive devices, or weapons of any kind on University property or at an event sponsored or supervised by the university or any recognized university organization. (Such weapons may include, but are not limited to, guns, BB guns, air pistols, rifles, knives, martial art devices, and bows.)

30. Sexual Harassment

Sexual harassment of any member of the University community (See Sexual Harassment policy in Student Handbook section V. Administrative Policies)

31. Sexual Assault

Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent (see Student Handbook section V. Administrative Policies)

32. Sexual Misconduct

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

33. Sexual Exploitation

Taking nonconsensual, 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

Examples of sexual exploitation include, but are not limited to: prostituting another student, nonconsensual 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.

34. Other Sexual Offenses

Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others

35. Hate Crimes (The UNC Policy Manual 700.4.2 Adopted 02/12/10)

a) No student shall threaten, coerce, harass or intimidate another person or identifiable group of person, 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 upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status.

b) No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: it is

- i. Directed toward a particular person or person;
- ii. Based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status;
- iii. Unwelcome;
- iv. Severe or pervasive;
- v. Objectively offensive; and
- vi. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

36. Gambling

Gambling is prohibited on University property

37. University Policies

No student shall take any action, which violates any published University policies or procedures. Violation of any University published policy, rule, or regulation in hard copy or available electronically on the University Web site

38. Free Speech (The UNC Policy Manual 700.4.2 Adopted 02/12/10)

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.

39. Knowingly acting as an accessory to any charges contained herein by:

- a) Being present while the offense is committed and advises, instigates, or encourages the act, or
- b) Facilitating in the committing of an offense in any way

40. Responsibility for Guests

Any violation of the 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 the student)

41. Violation of Federal, State or Local Law

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

NOTE: Student Organizational Behavior

Any student organization found to have violated the Code of Conduct or any Greek letter organization found to have violated the Code of Conduct or the Fraternal Information & Programming Group (FIPG) Risk Management Policy will be subject to sanctioning through the University Judicial Process.

Responsibility to Report Criminal Violations and/or Dispositions

During your period of enrollment at the University of North Carolina at Pembroke, should you be subject to any criminal charge and/or any disposition of a criminal charge, **on or off campus**, you must within two (2) business days notify the Office of Student Conduct in writing regarding the nature of the charge/offense and the disposition of the charge if applicable. You do not have to notify the Office of Student Conduct regarding traffic-related misdemeanors unless the traffic-related misdemeanor involves alcohol or drugs. (e.g. you are not required to report a speeding ticket, but you are required to report a Driving Under the Influence (DUI) ticket or Driving While Intoxicated (DWI) ticket.) Your failure to do so will be grounds to deny or withdraw your admission, or to dismiss you after enrollment.

All students must notify the Office of the Registrar in writing within two (2) business days of any criminal charge, any disposition of a criminal charge, **on or off campus**, or any school, college, or university disciplinary action against you, or any type of military discharge other than a honorable discharge that occurs at any time after you are accepted at the University of North Carolina at Pembroke (this includes that occur on or off campus and incidents during summer months and other breaks). Your failure to do so will be grounds to deny or withdraw your admission, or to dismiss you after enrollment.

University Judicial System

Subject to any policies or regulations of the Board of Governors or the Board of Trustees, it shall be the duty of the Chancellor to exercise full authority in the regulation of student affairs and in matters of student discipline in the institution. In the discharge of this duty, delegation of such authority may be made by the Chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such a manner and to such extent as may by the Chancellor be deemed necessary and expedient. In the discharge of the Chancellor's duty with respect to the matters of student discipline, it shall be the duty of the Chancellor to secure to every student the right of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying

against the student, and the right to such advice and assistance in the individual's defense as may be allowable under the regulations of the University approved by the Chancellor. In those instances where the denial of any of these rights is alleged, it shall be the duty of the President of the University of North Carolina to review the proceedings.

Every student shall be bound by the Honor Code and the University Code of Conduct. The Honor Code shall prohibit academic dishonesty. The Code of Conduct shall prohibit actions and behaviors that are clearly inconsistent with the University's expectations for membership in this community. The University Code of Conduct is located at the following address: www.uncp.edu/sa/handbook and is published in the *Student Handbook*, *University Catalog* and *Faculty Handbook*. All adjudicatory power of the Student Body shall be vested in a system of hearing boards with recognition that ultimate responsibility must conform to the By-Laws of the University as established by the Board of Trustees.

Disciplinary Sanctions

The aim of all discipline is two-fold: first, to develop self-control in the individual, and second, to protect the welfare of society. The emphasis is on rehabilitation and re-education.

WARNING—Technically, this is not considered a discipline, per se; however, it may be used in cases where no actual disciplinary action seems called for. The warning may be verbal or written. If verbal, a notation of the incident is made on the student's or organization's record in the office of the vice chancellor who gave or approved the warning. If written, an official letter is sent to the student or organization, outlining the actions which brought him/her to the attention of the University, cautioning him/her about the possible consequences of such actions, and warning him/her about the possible consequences of any continuation of such actions.

ADMONITION—The student is given a corrective interview. In addition, a notation of the incident is made on the student's record in the office of the vice chancellor who gave or approved the admonition.

REPRIMAND—An official letter is sent to the student indicating his/her misdeed, stating that such conduct is unacceptable, that further misconduct will probably result in more severe disciplinary action, and concluding with the hope that his/her conduct in the future will be above reproach.

CENSURE—Censure is the same as a reprimand except that it is used for organizations, organization leaders, et cetera, as distinguished from individuals. A copy is sent to that organization's sponsor to apprise him/her of the unsatisfactory situation.

RESTITUTION—Appropriate monetary reimbursement for a wrongful act which resulted in loss, damage, or actual expenses incurred by the University or individuals.

AREA RESTRICTIONS—Occur when a student may be excluded for a specific time period from a facility, such as the gym, the University Center, the residence halls, or other areas on campus.

LOW ON-CAMPUS HOUSING PRIORITY—Defined as removing a student from his/her place in the housing assignment process and placing him/her at the very end of the waiting list for on-campus housing for the upcoming year. If a student has already received an assignment, the student will not be allowed to retain that assignment.

EXCLUSION FROM ON-CAMPUS RESIDENCY—Defined as removing the student's privilege to apply for and/or live in a residential facility for a specified period of time. This sanction should be imposed if the offense(s) for which the student was found responsible merits the student's exclusion from on-campus residency. This decision would be based on evidence that the student's continued presence would interfere with the living/learning atmosphere within the residential community.

RESIDENCE FACILITY RELOCATION—Removal of a student from his/her present room or from that residence facility and assigning that student to another room or another residence facility. This would include considerations relative to housing options.

EVICTION FROM AN ON-CAMPUS RESIDENTIAL FACILITY—Removal of a resident from an on-campus residence for a specified period of time. Students who are evicted from an on-campus residential facility are prohibited from returning to or visiting in any on-campus residential facility. Students evicted will not be eligible for refund of unused room or board.

CONDUCT PROBATION—The student continues in attendance; however, (s)he is in danger of suspension for any breach of good conduct during the period of conduct probation. Further (s)he may not hold any general elective office while on conduct probation. A copy of the probation letter is placed in his/her file in the office of the Vice Chancellor for Student Affairs.

SOCIAL PROBATION—The student continues in attendance; however, (s)he is restricted from all social functions and is in danger of suspension for any breach of good conduct during the period of social probation. Further, (s)he may not hold any general elective office while on social probation. A copy of the probation letter is placed in his/her file in the Student Affairs Office.

COMMUNITY WORK/SERVICE—Community work/service assigned to a student shall commence within one week and shall be completed within 40 days of the penalty. The maximum number of voluntary work hours that may be assigned is 75. The community work/service must be supervised by a UNCP employee and it should be case or offense related.

SUSPENSION—The student is excluded from the University, both academically and socially, for a stated period. The student may request to be readmitted at the end of this period of suspension; however, readmission is never automatic. A copy of the suspension letter is placed in his/her file in the Student Affairs Office.

INTERIM SUSPENSION—Whenever there is evidence to suspect that a student's behavior on or off campus is a clear and present threat to the health, safety and welfare of the faculty, staff, students or guests, or himself/herself, the student may be suspended on an interim basis until a campus hearing can be arranged. A student on an interim suspension may be restricted from the campus in its entirety or from a particular program, activity or building.

SUMMARY SUSPENSION—Refer to Volume III, Adjudicatory Boards, Section 5. Committee on Extraordinary Disciplinary Emergencies, number 5.4., Summary Suspension, of the UNCP Constitution located in the Student Government section of the Student Handbook for a detailed description of this disciplinary sanction.

DISMISSAL—The student is excluded from the University, both academically and socially, for an indefinite period. The student may petition the University for readmission; however, readmission is never automatic. No petition will be considered for readmission prior to the end of a year's time. A copy of the dismissal letter is placed in his/her file in the Office of the Vice Chancellor for Student Affairs.

EXPULSION—A recommendation is made to the Chancellor of the University to permanently separate the student from the University. The Chancellor must review and make the final decision on any expulsion penalty for disciplinary reasons. A student who is expelled will be unable to graduate from The University of North Carolina at Pembroke.

Appeals

Any disciplinary action may be appealed. Further information may be found in Volume III of The University of North Carolina at Pembroke Student Constitution located in the Student Government section in the Student Handbook.

Student Discipline Records

The University maintains for every student who has received any discipline sanctions a written discipline record. The file shall include the nature of the offense, the penalty assessed, and any other pertinent information.

Student Conduct discipline files are housed in the Office of Student Affairs for eight years and are then forwarded to the Registrar's Office unless the sanction is suspension or expulsion. Suspension and expulsion files are kept in the Student Affairs Office indefinitely. Students suspended or expelled for disciplinary infractions will be entered into the Suspension/Expulsion database at UNC General Administration and will be available to all UNC campuses.

Academic Honor Code violations resulting in conviction will be kept in the Student Affairs Office for ten years. Pertinent information involving these cases will be transferred to the Registrar's Office immediately after verdict.

Student discipline records are confidential in accordance with federal and state laws. The contents of the student's discipline record may not be revealed to anyone not associated with campus discipline except upon written request of the student or a court-ordered subpoena.

