



WINSTON-SALEM
STATE UNIVERSITY

THE CODE OF COMMUNITY STANDARDS & CIVILITY

Amended October 4, 2018

The Code of Community Standards & Civility at Winston-Salem State University outlines all policies, procedures, and flow of communication, in pertaining to infractions, sanctioning methods and guidelines, appeals processes, Title IX infractions/procedures, adjudicating bodies, and Civility Advisors/Advisors/ Licensed Attorneys involvement, etc.

THE CODE OF COMMUNITY STANDARDS AND CIVILITY (*The Code*)

I. UNIVERSITY'S RESPONSIBILITY OVER STUDENTS' CONDUCT

The Winston-Salem State University community respects principles that govern socially and academically acceptable standards of good conduct and ethical behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the University and to comply with municipal, state, and federal laws. Violations of University policies, rules or regulations, or federal, state, or local law may result in a violation of The Code of Community Standards & Civility at WSSU and warrant sanctions. The Code of Community Standards & Civility provides the framework for identifying the standards of behavior and due process requirements for addressing infractions. Disciplinary measures and/or penalties shall be in accordance with the University's policies and procedures and due process safeguards applicable to disciplinary actions as required The Code of The UNC Board of Governors, Policy 700.4, and applicable campus policies, as they may be amended from time to time. If there are times of contradiction between The Code of The UNC Board of Governors and The Code of Community Standards & Civility of WSSU, The Code of The UNC Board of Governors will take precedent. The intent of the Code of Community Standards & Civility is to create a cultural norm of civility and advocacy amongst community members of Winston-Salem State University. It is the University's goal to not only encourage all members of the University to use this document as an educational tool to educate and instill positive common humanity in all members. But to hold University community members accountable for actions that are not reflective of University standards.

II. THE OFFICE OF COMMUNITY STANDARDS AND CIVILITY'S IMPLEMENTATION ABILITY

The Code of Community Standards & Civility's objectives, policies, procedures, and processes for its application and implementation exist for the education, protection, and advancement of the University community's institutional interests. The Code of Community Standards & Civility applies to individual students and University affiliated student organizations and is used to implement University policies, procedures, and regulations. The ability to apply policies, regulations, and sanctioning decisions rests with the Chancellor and has been delegated to the Associate Provost/Vice-Chancellor for Student Development & Engagement, Dean of Health, Wellness and Prevention, and Director of Community Standards & Civility. A violation of federal, state, and/or local law may also be a violation of University regulations.

III. TIER LEVELS FOR VIOLATIONS

The purpose of a tier system for behavioral and ethical conduct matters is to ensure that the appropriate accountability, education, and support during the outcome of the sanctioning process is applied to a student's case. The goal of the tier system is to encourage a reduction in recidivism, increase advocacy amongst students who have matriculated through the sanctioning process, and improve the educational environment to encompass an increase in civility. An outline for the sanctioning tiers is provided below:

Tier Level 1	Tier Level 2	Tier Level 3
Educational Sanctions	Deferred Suspension	Interim Suspension (traditional and modified)
Community Service	Disciplinary Probation	Expulsion
Fines	Housing Probation	Suspension
University Counseling's Educational Programming	Educational Sanctions (including but not limited to reflective essays, projects, presentations)	Deferred Suspension
Restitution	Community Service	Permanent Housing Revocation
Disciplinary Warning	No Contact Order	Temporary Housing Revocation
Complainant-Respondent/Respondent-Respondent Alternative Dispute Resolution	Strongly Encouraged to Attend Counseling	Deferred Housing Revocation
Alternative Dispute Resolution	Fines or Restitution	

IV. OFFENSES UNDER THE CODE OF COMMUNITY STANDARDS & CIVILITY

The following misconducts listed below are included but not limited to examples of various offenses, which fall under The WSSU Code of Community Standards & Civility. While being a member of the WSSU community, students are expected to exercise ethical judgment and discretion in their actions and are not to partake or initiate any of the following:

1. Furnish false or misleading information on University records or forms by commission or omission; knowingly misrepresent the facts pertaining to University procedures; furnish false information to any member of the University community; furnishing false or misleading information to the University via commission or omission to financially defraud members of the University community and/or the University; misuse documents and keys. *Sanctions ranges from Level 1 Tier to Level 3 Tier*
2. Steal, deface or destroy property of the University; possess stolen property; or infringe on the rights or property of members of the University community; removing or damaging any furniture or equipment owned by the University; having access to University property or other University members' property and unlawfully removing or taking item(s) (theft). *Sanction ranges from Level 1 to Level 3 Tier*
3. Unlawful entry, forcible or non-forcible, with the intent to commit a felony or theft (burglary). *Sanction ranges from Level 2 to Level 3 Tier*

4. Misuse access privileges to University premises including, but not limited to: violate positions of trust or authority; misuse University or organizational names and images; steal or misuse University computing equipment this includes but not limited to computers, networks facilities, passwords, accounts or information. *Sanction ranges from Level 2 to Level 3 Tier*
5. Possession and/or use of another WSSU student's identification (Ram Card) for the purpose of defrauding University officials and/or to gain entry/access to University property; not being in possession of proper identification (Ram Card) when asked for by University officials. *Sanction ranges from Level 1 to Level 3 Tier*
6. Possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus or University associated property, or to a curricular or extracurricular activity sponsored by the University. *Sanction is a Level 3 Tier*
7. Possess or use weapons, included but not limited to: BB gun, Tasers, air rifles, air pistols, bowie knives, dirk, daggers, slingshots, switchblade knives, blackjacks, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials in any University-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police. *Sanction ranges from Level 2 to Level 3 Tier*
8. Possession of any firearm paraphernalia while residing within University property or University associated property. Firearm paraphernalia includes, but not limited to magazine clips, gun clips, bullets, scopes, lasers. *Sanction ranges from Level 2 to Level 3 Tier*
9. Start fires, explode fireworks, improperly use chemicals, and/or tamper with fire-fighting equipment (including, but not limited to smoke detectors, hoses, sprinklers and fire extinguishers). *Sanction ranges from Level 2 to Level 3 Tier*
10. The use of any allowed substance and/or weapon (mace, pepper spray, knife that is under 4 inches, etc.) in a manner that is intended to provoke fear or create physical harm. *Sanction ranges from Level 2 to Level 3 Tier*
11. Gamble on University-owned property including, but not limited to, buildings, streets and parking lots. *Sanction ranges from Level 2 to Level 3 Tier*
12. Obstructing or disrupting teaching, research, or other university activities on university or associated university premises; obstruction and/or disruption through verbal abuse, obscenities, or alarm; making unreasonable noise for the purpose of distracting the educational or recreational environment. *Sanction ranges from Level 1 to Level 3 Tier*
13. Communicating threats either verbally or written to any members of the University community. *Sanction ranges from Level 1 to Level 3 Tier*
14. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, personal indignities of a highly offensive nature; engage in verbal altercation and/or fighting. *Sanction ranges from Level 1 to Level 3 Tier*

15. Recording a physical altercation and posting it on social media or via electronic avenues (included but not limited to text messages, group threads, direct messaging, etc.) in an effort to encourage the unethical behavior of the participants. *Sanction ranges from Level 1 to Level 3 Tier*
16. Engage in physical abuse, sexual harassment, harassment, non-consensual sexual acts, coerced or forced physical contact via means of intimidation, physical restraint, or violence (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>], as it may be amended from time to time). *Sanction ranges from Level 2 to Level 3 Tier*
17. Engage in dating violence; Dating violence is defined as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship. (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>], as it may be amended from time to time). *Sanction ranges from Level 1 to Level 3 Tier*
18. Engage in domestic violence; Domestic violence includes but is not limited to acts of felony or misdemeanor crimes of violence (1) committed by a current or former spouse of the complainant, (2) by a person with whom the complainant shares a child in common, (3) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, (4) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction, and/or (5) where any persons who is or has been cohabitating or maintaining the same dwelling as the alleged respondent (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>])). *Sanction ranges from Level 2 to Level 3 Tier*
19. Violate any aspects of the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time. (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>])). *Sanction ranges from Level 1 to Level 3 Tier*
20. Engage in stalking or in a course of conduct directed at specific person that would cause a reasonable person to fear for his or her safety or the safety of others and/or suffer substantial emotional distress. Stalking is considered to be two (2) or more instances of the above act (for more information, please refer to the Policy on Sexual Harassment and Sexual Violence [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>], as it may be amended from time to time). *Sanction ranges from Level 2 to Level 3 Tier*

21. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, or personal indignities of a highly offensive nature, that is in connection with recruitment, initiation, or continued membership in a society, fraternity, or sorority, club, athletic team, or another similar group. Hazing for the purpose of this policy is not limited to the statutory definition. (For more information, please refer to the Hazing Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-300-undergraduate-and-graduate-students/301-general/301.5.html>]), as it may be amended from time to time). *Sanction ranges from Level 1 to Level 3 Tier*

22. Engage in any activity that deliberately threatens, harasses, intimidates another individual, creates unwanted unsolicited behavior, or places an individual in reasonable fear of harm to the individual or damage to the individual's property; or has the effect of substantially disrupting the orderly operation of the individual's daily life via the use of electronic information and communication devices, to include but not be limited to: e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, dissemination of revenge porn, social media sites, internet chat rooms, internet postings, and defamatory websites (For more information, please refer to Cyberbullying Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.4.html>], as it may be amended from time to time). *Sanction ranges from Level 2 to Level 3 Tier*

23. No student shall threaten, coerce, discriminate, 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 any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors(For more information, please refer to the Equal Opportunity Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.3.html>]), as it has been amended from time to time. *Sanction ranges from Level 1 to Level 3 Tier*

24. 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: (1) directed toward a particular person or persons, (2) based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors, (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 (For more information, please refer to the Equal Opportunity Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.3.html>]), as it has been amended from time to time. *Sanction ranges from Level 1 to Level 3 Tier*

25. Exhibit conduct of a lewd, indecent, obscene, conduct that disturbs the peace, using profanity during communications with Faculty, Staff, and Administration or towards persons of the University community, or disorderly manner as defined by state statutes on the campus or at any University-sponsored event or public event while identified as a member of the University community; utilizing language that crosses over the implementation of First Amendment rights (Freedom of Speech) and

becomes hostile, aggressive, or creates an environment that reaches the level of harassment, cyberbullying, and/or hostile environment. *Sanction ranges from Level 1 to Level 3 Tier*

26. Leaving loose paper, cans, bottles, trash, etc. or littering as defined by state statutes, in common/public areas (internally and externally) of residence hall or university building. *Sanction ranges from Level 1 to Level 2 Tier*

27. Enter or use University facilities without authorization, trespass, and/or misuse of restricted areas; or violate rules governing University residence facilities, including but not limited to the key policy, smoking in residential halls, possession of an animal (that is not registered with Disabilities Services or complies with guidelines under Housing & Residence Life), co-ed visitation policy (For more information, please refer to Housing and Residence Life Policy, the Guide to On-Campus Living in Housing and Residence Life [https://www.wssu.edu/student-life/housing-and-residence-life/_Files/documents/guide-to-campus-living.pdf] and/or the Housing and Residence Life Living Agreement, as it is amended from time to time). *Sanction ranges from Level 1 to Level 3 Tier*

28. The possession/storage and/or use of all self-balancing, self-balancing battery-operated, and/or chargeable scooters that are referred to as the following but not limited to scooters, segways, and/or hover boards, within the residence halls, associated apartments, university buildings, and/or close/confined locations on University or associated University property. *Sanction ranges from Level 1 to Level 2 Tier*

29. The possession, consumption, and/or use of alcoholic beverages on University-owned property, associated University property, or at a student activity on campus (For more information, please refer to the Alcohol Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.14---alcohol.html>], as it may be amended from time to time). *Sanction ranges from Level 2 to Level 3 Tier*

30. Possession of alcohol paraphernalia which includes but is not limited to empty alcohol bottles which still contain the identifiers (labels, engravings, brandings, etc.) of alcohol, alcoholic cartons, beer bongs, funnels, kegs. *Sanction ranges from Level 2 to Level 3 Tier*

31. The consumption of alcohol while under the statutory legal age (For more information, please refer to the Alcohol Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.14---alcohol.html>], as it may be amended from time to time). *Sanction n ranges from Level 2 to Level 3 Tier*

32. Providing alcohol to a minor or any person(s) not of the statutory legal age for alcohol consumption. *Sanction ranges from Level 2 to Level 3 Tier*

33. Being publicly intoxicated due to alcohol consumption. *Sanction ranges from Level 2 to Level 3 Tier*

34. Being under the influence of a controlled and/or illegal substance while on University-owned property/properties, affiliated property/properties, and/or while attending University sponsored events. *Sanction is a Level 3 Tier*

35. The possession and/or use of controlled and/or illegal substances. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the

manner as directed by the health care professional and must possess and provide upon request, written documentation for verification purposes. If the narcotic cannot be lawfully possessed in the State of North Carolina, then you may not possess it on campus. *Sanction is a Level 3 Tier*

36. The sharing of prescription medication with another individual or member of the University community. Such violations will be deemed and cited as “sale or distribution of the illegal substance. *Sanction is a Level 3 Tier*

37. Possession of drug paraphernalia and/or drug residue, including but not limited to stems, seeds, “Dutch guts,” cigarillo shavings, cigarillo wrappers, “roaches,” roach clips, grinders, powder, crystals, and scales. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess and provide upon request, written documentation for verification purposes. If the narcotic cannot be lawfully possessed in the State of North Carolina, then you may not possess it on campus. *Sanction is a Level 3 Tier*

38. The sharing of prescription medicine paraphernalia with another individual or member of the University community. Including but not limited to prescription medicine containers, prescription documentation, etc. Such violations will be deemed and cited as “sale or distribution of the illegal substance/drug paraphernalia. *Sanction is a Level 3 Tier*

39. Possession with the intent to manufacture, sell and/or deliver, whether controlled or prescribed, narcotic or any controlled substance, on or in University-owned property or property affiliated with the University; growing an illegal substance while residing/occupying any University-owned residential property; growing an illegal substance while residing/occupying any off-campus residency. *Sanction is a Level 3 Tier*

40. Intend to purchase any controlled and/or illegal substance while on, around, or in University-controlled/affiliated property. *Sanction is a Level 3 Tier*

41. Disrupt university operations; obstruct freedom of movement by community members or visitors while residing in and/or on University-controlled property; abuse, interfere with, or fail to comply in University processes including but not limited to the WSSU Community Standards & Civility Council Hearings, Administrative Hearings/Meetings, and/or Title IX Hearings/Meetings; failing to comply with any directives of University officials. *Sanction ranges from Level 1 to Level 3 Tier*

42. Aiding or abetting an action which directly correlates to an infraction of The Code of Community Standards & Civility; assisting another person in the commission or attempted commission of a crime or act that violates this policy; hosting a non-student who commits a violation to the University’s Code. *Sanction ranges from Level 1 to Level 3 Tier*

43. Violations of local, state, and/or federal laws, as they may be amended from time to time. *Sanction ranges from Level 2 to Level 3 Tier*

In the process of determining whether a student’s conduct violated any of the above provisions, all relevant facts and circumstances shall be taken into consideration. Care must be exercised in order to preserve freedoms of speech, expression, and opinions, as articulated in current legal standards. However, community standards will also be included in the educational processing of all information.

Advice should be sought from the Office of Community Standards & Civility and/or University attorneys, as needed.

V. STUDENT PROCEEDINGS FOR CONDUCT MATTERS

A. Proceedings for matters associated with a student's conduct may be initiated against a student who has been indicted as directly having violations of the Code of Community Standards & Civility and/or laws that coincides with violations of the Code of Community Standards & Civility at WSSU, without regard to criminal arrest, criminal charges, prosecution, or civil litigation. Proceedings initiated via the Code of Community Standards & Civility are generally carried out before the conclusion of any civil or criminal proceedings off-campus, due to such proceedings having no bearing on disciplinary proceedings on-campus.

B. When a student is charged with an off-campus violation of federal, state, or local laws, or the laws of another country, disciplinary actions may be taken and sanctions may be imposed, up to and including expulsion, if the off-campus violation is conduct that demonstrated a disregard for the University community, the community standards of the University, and/or poses a potential threat to the University.

C. Family and Parental Involvement

The Office of Community Standards & Civility values the role parents and family members play in the life of their young adult and the ability to contribute positively to their student's success at Winston-Salem State University. The Office of Community Standards & Civility understands that parents and family members often journey with their students through this process and the Office and WSSU welcomes this support for students. However, the following are several protocols that parents and/or family members must be aware of during a behavioral or academic proceedings:

- 1) The University's process is not like the criminal or civil court system. It is an administrative, educational process used to resolve complaints in our University community, both on and off campus. There are different ways in which complaints can be resolved and the Office of EEO/Title IX and the Office of Community Standards & Civility staff will work with students in an effort to balance both the individual and community needs in resolving complaints. Title IX Procedures: <https://www.wssu.edu/administration/human-resources/eo-aa/files/documents/title-ix-procedures-students.pdf>
- 2) The Office of Community Standards & Civility's sanctions (the response when a student violates the Code of Community Standards & Civility) are designed to address behavior that is inconsistent with the expectations of the University and to actively encourage students to modify this behavior and to positively engage at the University. Obviously, there are some behaviors that are so egregious a student may be suspended or expelled.
- 3) Parents and/or family members will not typically be notified of any disciplinary actions taken with a student unless the student is less than 21 years of age (at the time of notification), when a student is found responsible for infractions of the University's alcohol and/or drug policies or seen as a threat, danger, or harm to him or herself, or placed on Suspension or Expulsion. Under the area of Title IX, the Office of Title IX/EEO will not contact guardians of Complainants or

Respondents during the process of a Title IX case unless the student voluntarily submits a FERPA Waiver to have the information divulged.

In addition to the Parental Notification Letter, the Office of Community Standards & Civility or designee can speak to a parent or family member about a student's conduct or academic matter if that student has designated his/her parent or family member as a Family Educational Rights and Privacy Act (FERPA) Designee in the Office of Community Standards & Civility or Office of the Registrar. The Office of Community Standards & Civility or designee will also contact a student's parent or guardian in a health and safety emergency if a University official believes the student is a threat to themselves or others. Even if parents or family members are not designated on the above FERPA Waiver.

D. Multiple Pending Cases

If a student has one pending case that has not been adjudicated, but then has another infraction before the first original case has been adjudicated, the student has two options:

- a) Have each case heard separately. Please note that the overall sanction will increase due to having a new infraction while having an open pending case. OR
- b) Have both cases adjudicated within the same timeframe to alleviate going through the Conduct process two separate times. Please note that the overall sanction will increase due to having a new infraction while having an open pending case.

VI. COMPOSITION AND PURPOSE OF CONDUCT BODIES AND PARTICIPANTS

FORMAL HEARINGS:

A. Administrative

Even though an Administrative Hearing is completed by a single person or designee, it still constitutes as a conduct body. An Administrative Hearing is a formal hearing conducted by the Director of Community Standards & Civility or designee, in which the Respondent is facing sanctioning that is less than suspension or expulsion. B. WSSU Community Standards & Civility Council (CSCC)

The WSSU Community Standards & Civility Council is comprised of numerous students, faculty, and staff members who have been trained by the Director for Community Standards & Civility and the SGA Attorney General/Chair of the Community Standards & Civility Council. Student members of the CSCC must meet the required 2.5 GPA and academically be in sophomore standing (potentially second semester freshman with sophomore credits). To conduct a hearing, a minimum of three (3) council members and the Chair or designee must be present. The Chair of the RORC is not a voting member of the committee. Students are required to go before the WSSU Community Standards & Civility Council (CSCC) when the sanction of suspension or expulsion is warranted.

C. WSSU Title IX Council

The WSSU Title IX Council is comprised of twenty (20) faculty and staff members of the WSSU Community who have been trained by the Office of EEO/Title IX on all aspects of Title IX (dating violence, domestic violence, stalking, nonconsensual acts, etc.). To conduct a hearing, a minimum of three (3) council members and the Chair or designee must be present. The Chair is not a voting member

of the committee. Students are required to go before the WSSU Title IX Council when the sanction of suspension or expulsion is warranted for their Title IX violation(s). In pertaining to cases in which the Title IX violation(s) warrant a sanction of Deferred Suspension of lower, the student would attend an Administrative Hearing.

In all hearing proceedings, the burden of proof is the “preponderance of evidence,” which means that based on all information, the hearing officer can determine that more likely than not the Respondent is responsible or not responsible for the infraction. In pertaining to confidentiality, even though the WSSU Community Standards & Civility Council is a public body and subject to the open meeting laws of the State of North Carolina. In accordance with Family Educational Rights and Privacy Act (FERPA) of 1974, conduct hearings and reviews will be closed in order to protect information made confidential under this act. All personal interviews and information received in hearings and deliberations are considered confidential and shall not to be divulged outside hearings. Any persons violating the confidentiality of the processes shall be held accountable via sanctions associated with of the Code of Community Standards & Civility. Members of the hearing bodies can also be subject to removal of the hearing body.

D. WSSU Recognized Organization Review Council (RORC)

The WSSU Recognized Organization Review Council (RORC) was established to adjudicate violations of University’s Code when involving recognized student organizations through both informal (mediations) and formal (Administrative Hearings or RORC) processes. The board shall be formed annually as needed. Once a board is formed within an academic year, the membership of that board shall stay intact until the end of the academic year. The RORC shall be comprised of three (3) students, two (2) faculty/staff members, and two (2) alternates that are vetted by the Director of Community Standards & Civility, the Director of Greek Life, and the Director of University Student Activities and Engagement (USAE). The Director of Community Standards & Civility will chair the RORC. In his/her absence, a designee shall serve as chair. To conduct a hearing, a minimum of three (3) council members and the Chair or designee must be present. The Chair of the RORC is not a voting member of the committee. Members of the board shall not be involved in hearing an alleged violation against an organization in which he or she holds membership or in which he or she is personally involved in. This is to ensure, to a degree, that the objectivity is positively enforced. In an event that a council member has to recuse him or herself, an alternate member of the RORC shall serve for the hearing.

INFORMAL HEARINGS:

E. Mediations

Mediations are used in place of traditional model code sanctioning methods when a resolvable dispute occurs. Mediations are implemented by the Director of Community Standards & Civility or designee. Mediations utilize a verbal, face-to-face educational conversation amongst the Respondent party involved and the Hearing Officer. The dispute resolution will conclude with an attempt to reach agreement on steps the parties will take to repair the harm suffered and in other ways to "make things right." Mediations may include the following but is not limited to: negotiated restitution, formal letter of apology, and/or public letter of apology. Settlements or dispute resolutions, may be considered in lieu of a formal hearing for minor violations (ex. verbal disputes, roommate disagreements) or for offenses where the sanction is not greater than a Disciplinary Warning. In those instances, the Director of Community Standards or university official assigned to this matter is authorized to select the above

method for resolution. During the process of the educational conversation, the party or parties involved will have the ability to communicate about the incident in question and a recommended solution will be implemented. A notation of the educational conversation will be made within the electronic disciplinary file. All parties involved will be held to the verbal/written agreement. If any party should violate the terms of the verbal and written agreement, he or she will have a pending "Failure to comply with University process" infraction from the Code of Community Standards & Civility, plus any additional infractions. The appropriate staff will also be notified of the verbal/written agreement. There are two forms of mediation: Alternative Dispute Resolution and Complainant-Respondent/Respondent-Respondent Alternative Dispute Resolutions:

- a) Alternative Dispute Resolution- when allegations stem from a Complainant party who wishes not to partake in violation resolution.
- b) Complainant-Respondent/Respondent-Respondent Alternative Dispute Resolutions- when the Complainant party chooses to resolve the dispute in an amicable manner or all parties involved are equally responsible for the violation.

VII. DEFINITIONS

The following definitions shall apply when used in the Code of Community Standards & Civility:

“Student Group” means a number of students who are associated with each other but have not met the University requirements for registration as a Student Organization.

“Student Organization” means a number of students who have complied with University requirements for registration or recognition.

“Academic Misconduct” means conduct that is described in any provision of Section IX and IX, A of the Code and shall be synonymous with the term “academic dishonesty” in N.C. Gen. Stat. § 116-40.11.

“Advisor” means an individual who gives advice or consultation to a student who is charged with a violation under the Code. The advisor may be a student, faculty/staff member who, family member, or friend who is not an attorney. Advisors do not act as representatives in place for a Respondent. A Respondent is responsible for presenting his or her case even when an Advisor is present.

“Civility Advisor” means an individual who gives advice or consultation to a student who is charged with a violation under the Code. The Civility Advisor is a student, faculty, or staff member who has been trained via the WSSU Community Standards & Civility Council, SGA Attorney General, and the Director of Community Standards & Civility, and is not a Licensed Attorney. Civility Advisors do not act as representatives in place for a Respondent. A Respondent is responsible for presenting his or her case even when a Civility Advisor is present.

“Licensed Attorney” means any person licensed to practice law in the state of North Carolina. Consistent with Rule 700.4, a Licensed Attorney must complete specific documents prior to participating in the conduct process.

“Complainant” means any person who submits a report alleging that a student and/or a student group/organization engaged in conduct that potentially violates the Code.

“Faculty Member” means any person with a Winston-Salem State University designation of Professor, Associate Professor, Assistant Professor, Lecturer, Instructor, or graduate teaching assistant.

“Hearing Officer” means an adjudicating agent responsible for maintaining order, determining the admissibility of information, facilitating deliberations, and determining decisions on cases. A Hearing Officer can be a staff member from Housing & Residence Life, Office of Community Standards & Civility, or Office of the Dean of Students.

“Minor infraction” means an infraction of the Code for which the possible sanctions are less than suspension or expulsion.

“Serious infraction” means an infraction of the Code for which the possible sanctions include suspension or expulsion.

“Protected class” means a group of people who are protected from discrimination under federal and state laws, and/or University policy.

“Academic Integrity Report” is a document that is submitted to the Office of Community Standards & Civility that reports alleged academic misconduct in violation of the Code.

“Respondent” means a student(s) or student group/organization alleged to have engaged in conduct that violates the Code.

“Student” means any person from the time he or she accepts admission to Winston-Salem State University up through the date of graduation. This includes, but is not limited to, new students at orientation, persons not currently enrolled fulltime at WSSU, but is enrolled in the dual enrollment program under Forsyth Tech, and any other person enrolled in a credit earning course offered by Winston-Salem State University. For purposes of exercising jurisdiction for University discipline, it also includes any person who has graduated from Winston-Salem State University, if the university determines that his/her graduation or receipt of credit may have involved misconduct while he/she was working toward a degree.

“Maxient Incident Reporting Form” or (IR), is a document written by a reporting party (Complainant) and submitted to the Office of Community Standards & Civility, which reports alleged misconduct by a student and/or a student group/organization who is potentially violating infractions of the Code. Allegations of misconduct resulting from the IR may be amended from that document to include additional misconduct or may be revised to provide a more accurate description of the misconduct.

“Student Organization” means a number of students who have complied with University requirements for registration or recognition.

“University premises” means buildings or grounds owned, leased, operated, controlled or managed by Winston-Salem State University.

“University-sponsored activity” means any activity or program on or off-campus which is hosted, sponsored, authorized, or supervised by the University.

VIII. NOTIFICATION AND HEARING PROCEEDINGS FOR BEHAVIORAL ALLEGATIONS (ADMINISTRATIVE OR COUNCIL HEARINGS FOR CONDUCT MATTERS)

A. Allegations of Code of Community Standards & Civility infractions will be submitted to the Office of Community Standards & Civility, via the Maxient Student Conduct System. Incidents have the ability to be submitted from various sources such as the WSSU Campus Police, Housing & Residence Life Staff, students, faculty, administration, staff, and/or non-WSSU affiliated persons via an incident report. To report an incident, use the following link to the Maxient Student Conduct Incident Reporting Form: <https://cm.maxient.com/reportingform.php?WinstonSalemStateUniv>. The ink is also listed on the Office of Community Standards & Civility Homepage listed under the Student Life tab, located on WSSU's website (www.wssu.edu). Incidents of sexual misconduct, sexual discrimination, and/or sexual harassment, including but not limited to Dating Violence, Domestic Violence, Stalking, Nonconsensual sexual acts, can also be reported from various sources such as the WSSU Campus Police, Housing & Residence Life Staff, students, faculty, administration, staff, and/or non-WSSU affiliated persons via an incident report. The above types of incidents are also infractions associated with the Code of Community Standards & Civility and need to be submitted via the Maxient Student Conduct Incident Reporting Form: <https://cm.maxient.com/reportingform.php?WinstonSalemStateUniv>. If reporting alleged infractions of this nature, please complete the form and mark the "Nature of the Report" as "Sexual Misconduct/Sexual Discrimination/Sexual Harassment (Title IX)". Upon submission, the report will be automatically submitted to the Office of EEO/Title IX (<https://www.wssu.edu/student-life/student-conduct/title-ix-for-students.html>).

Incidents that violate the Code of Community Standards & Civility, shall be submitted as soon as possible after the event takes place and factual information should be provided to support the incidents. The individual submitting the incident report also will have the ability to upload any other supporting documentation directly to the Maxient Student Conduct Incident Reporting Form.

B. Interim Measures for Serious Infraction Allegations (Interim Suspension) for Students and Student Organizations

1) Students

Interim measures such as Interim Suspension are implemented for students (a) to ensure the safety and well-being of members of the University community or preservation of University property; (b) to ensure the student's own physical or emotional safety and well-being; (c) if the student poses a definite threat to, disruption of, or interference with the normal operations of the University and/or the University environment, or its members, or one or more classes as determined by the Classroom Disruption Policy; (d) when a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b)[Section III (4)]; (e) violates the University Drug Policy pertaining to sale and distribution (See University Drug Policy); or (f) allegations of a serious Title IX infraction.

If serious allegations arise, the Director of Community Standards & Civility, in consultation with the Director of EEO (Title IX) (if applicable), may suspend the Student for an interim period, pending the outcome of any conduct procedures.

A student who persists in disrupting a particular class after a warning and other reprimands by the instructor, may, in the discretion of the Director of Community Standards & Civility and provided other

normal University functions are not at risk, be suspended from that class only, for an interim period of time, pending the outcome of any conduct proceedings.

Within a twenty-four (24) hour timeframe of the effective date and time of the Interim Suspension, the student may submit a written appeal for termination or modification of the Interim Suspension. The written appeal must be submitted to the Dean of Students via email (deanofstudents@wssu.edu) or hardcopy (Appeal Form attached to the Interim Suspension Decision Letter). In reviewing the request, the Dean of Health, Wellness, and Prevention shall consider the following issues only:

- a. the reliability of the information concerning the student's conduct, including an assertion of mistaken identity.
- b. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of the student on University Premises, in University housing, or in the classroom is threatening, harmful, or dangerous to others or the University community; poses a threat of significant property damage; impacts the stability and continuity of normal University activities, including the normal conduct of class; and/or directly and substantially impedes the lawful activities of others.

The Dean of Health, Wellness and Prevention, in his/her discretion, may meet with the student and utilize information gathered in that meeting to make a decision whether to terminate or modify the Interim Suspension. Under certain circumstances, as a condition for termination or modification of the Interim Suspension, the Dean of Health, Wellness and Prevention may require that certain conditions be met, such as the student's consent to completion of a medical or psychological evaluation arranged by the University or educational meeting with Counseling Services or the Office of Interpersonal Violence and Prevention. If such request is implemented, the request must be completed in a prompt manner to then allow for the Dean of Health, Wellness and Prevention to consider any modification of Interim Suspension. When appealing an Interim Suspension, the student may be present in any meeting, at his/her own expense, with a Licensed Attorney, Civility Advisor, or Advisor, pursuant to the Code's guidelines of Advisors or Licensed Attorney Participation.

Please note that if a student withdraws from enrollment at the University after being suspended on an interim basis until (a) determinations on responsibility and sanction(s) (if applicable) are made as part of the conduct proceedings or (b) the Interim Suspension is terminated, then a hold will remain on the student's account, restricting access to official transcripts and registration, and the withdrawal will be notated in student's conduct file.

2) Student Organizations

Interim measures such as Interim Suspension are implemented for Student Organization (a) to ensure the safety and well-being of members of the University community or preservation of University property; (b) to ensure the student's own physical or emotional safety and well-being; (c) if the student poses a definite threat to, disruption of, or interference with the normal operations of the University and/or the University environment, or its members, or one or more classes as determined by the Classroom Disruption Policy; (d) when a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b)[Section III (4)]; (e) violates the University Drug Policy pertaining to sale and distribution (See University Drug Policy); or (f) allegations of a serious Title IX infraction. The interim suspension may

require the organization to cease activities both on campus and off campus until the conduct proceedings have been conducted.

Within a twenty-four (24) hour timeframe of the effective date and time of the Interim Suspension, the student may submit a written appeal for termination or modification of the Interim Suspension. The written appeal must be submitted to the Dean of Health, Wellness and Prevention via email (deanofstudents@wssu.edu) or hardcopy (Appeal Form attached to the Interim Suspension Decision Letter). In reviewing the request, the Dean of Students shall consider the following issues only:

- a. the reliability of the information concerning the student organization's conduct, including an assertion of mistaken identity; and
- b. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of the student organization on University Premises, in University housing, or in the classroom is threatening, harmful, or dangerous to others or the University community; poses a threat of significant property damage; impacts the stability and continuity of normal University activities, including the normal conduct of class; and/or directly and substantially impedes the lawful activities of others.

The Dean of Health, Wellness and Prevention, in his/her discretion, may meet with the student organization's representatives (Chapter President, Chapter Advisor, Members, etc.) and utilize information gathered in that meeting to make a decision whether to terminate or modify the Interim Suspension. Under certain circumstances, as a condition for termination or modification of the Interim Suspension, the Dean of Health, Wellness and Prevention may require that certain conditions be met, such as an educational meeting with Counseling Services or the Office of Interpersonal Violence and Prevention. If such request is implemented, the request must be completed in a prompt manner to then allow for the Dean of Students to consider any modification of Interim Suspension. When appealing an Interim Suspension, the student organization may be present in any meeting, at their own expense, with a Licensed Attorney, Civility Advisor, or Advisor, pursuant to the Code's guidelines of Advisors or Licensed Attorney Participation.

The Dean of Health, Wellness and Prevention, in his/her discretion, can meet with the student organization and utilize information gathered in that meeting to make a decision whether to terminate or modify the Interim Suspension. The conduct proceedings shall be initiated as soon as practicable.

C. A student may be indicated in acts of misconduct only with an official grievance from the Director of Community Standards & Civility, Director of Housing & Residence Life, or their respective designees, who will submit the formal notification to the student by way of electronic notification. A student organization may be indicated in acts of misconduct only with an official grievance from the Director of Community Standards & Civility has submitted the formal notification to the student by way of electronic notification. A student's university-assigned email (*rams.wssu.edu*) shall be the method of official communication (For more information, please refer to Official Method of Communication Policy [<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-400-research-intellectual-property/400.2.html>]). Depending on the type of infractions the student or student organization, is associated with, the student or student organization responding to the allegations (Respondent(s)) will have to go through one of the following types of

hearings: Alternative Dispute Resolution (mediation), Administrative Hearing, Title IX Administrative Hearing, WSSU Community Standards & Civility Council Hearing, WSSU Title IX Council Hearing, or Recognized Organization Review Council (RORC). Please note that any Respondent(s) who fail to attend the Pre-Hearing Conference, Administrative Hearing (for behavioral, academic integrity, or Title IX), WSSU Community Standards & Civility Council Hearing, WSSU Title IX Council Hearing, or Recognized Organization Review Council or fails to contact the hearing body in a timely manner before the designated hearing date and time, will have their hearing conducted in their absence based off of the information and evidence given from the Incident Report, Complainant(s), Witness(es), etc.

D. Notice and Proceedings for Informal Hearings (Forms of Mediation) will be processed in the following manner: *A Mediation is an informal hearing that is used in place of traditional model code sanctioning methods when a resolvable dispute occurs. Mediations are implemented by the Director of Community Standards & Civility or designee.*

Upon request of the Complainant and with the consent of the Director of Community Standards & Civility or university official assigned to the matter, a mediation, grounded in a Restorative Justice approach, will be conducted. During the Complainant-Respondent/Respondent-Respondent Mediation, all parties that were affected by the infraction, will begin to resolve the conflict and to construct their own approach to achieving justice in the face of the particular infraction. The dispute resolution will be facilitated by the Director of Community Standards & Civility or designee. All individuals involved will be given the opportunity to express his or her feelings and perceptions of the infractions (which often dispels misconceptions they may have had of one another before entering the resolution). The meeting will conclude with an attempt to reach an agreement on steps the Respondent(s) will take to repair the harm suffered by the Complainant(s) or steps the Respondents will take to repair the harm inflicted on one another and in other ways, "make things right". Complainant-Respondent/Respondent-Respondent Alternative Dispute Resolutions can include but is not limited to the following resolutions: negotiated restitution, formal letter of apology, and/or public letter of apology. Alternative Dispute Resolutions may be considered in lieu of formal notifications for minor infractions (ex. verbal dispute, roommate disagreements) or for offenses where the sanction is not greater than a Disciplinary Warning. In those instances, the Director of Community Standards & Civility or university official assigned to this matter is authorized to select the above method for resolution.

E. Notice and Proceedings for Administrative Hearings will be processed in the following manner: *An Administrative Hearing is a formal hearing conducted by the Director of Community Standards & Civility or designee, in which the respondent is facing sanctioning that is less than suspension or expulsion. In pertaining to a Title IX case, an Administrative Hearing can be completed after the Title IX interviews and Fact Finding Report are completed. See section D. Notice and Proceedings for Title IX Administrative Hearing for hearing details.*

1. Prior to submitting a notice of incident to a student, the Director of Community Standards & Civility or a designee may:

a. Consult with the Associate Provost/Vice-Chancellor of Student Development and Engagement or University Counsel when an action is pending in state court, federal court, or court in a foreign country against a student or has been decided in court to determine whether the student has concurrently violated the Code of Community Standards & Civility at WSSU.

b. Receive and review the incident. Determine whether (1) the allegation, if proven, would constitute an offense under the Code of Community Standards & Civility and, (2) based upon the stated allegation, is there reasonable belief that the allegation may have occurred, and (3) if based upon the stipulation of the allegation and information, can it be determined if the student will go through an Administrative Hearing (one-on-one process with an Administrator) or go before the WSSU Community Standards & Civility Council (council comprised of 3-4 students, faculty, or staff members who determine a sanctioning recommendation for suspension or expulsion level cases). This screening involves reading the case allegations, description of the alleged behavior, reviewing all information involved, and/or communication with the Complainant(s) (individual(s) making the allegations), as appropriate to the situation).

2. A student who is receiving a notification for an Administrative Hearing due to alleged violations of the Code of Community Standards & Civility at WSSU will receive a notification, submitted to their *rams.wssu.edu* account that will:

a. Contain the substance of the allegations (alleged infraction of the Code of Community Standards & Civility).

b. Give a synopsis of the allegations (a one to two sentence overview of what allegedly occurred).

c. Inform the student of the date, time, and location of the Administrative Hearing and who the student's will be meeting with.

d. Educate the student of his/her rights to a Civility Advisor, Advisor, or Licensed Attorney. Civility Advisors are upper class students, faculty, and/or staff members from the University who have received training about advocating for students, advising, and educating students through the above process from the Office of Community Standards & Civility. These Advisors are available to assist in all aspects of the student's case. A list of Civility Advisors will be attached to the formal notification of allegations. If student chooses to obtain a family member, friend, or another person(s) of their choosing, that person(s) is noted as an advisor, and it is the student's right. An Advisor can be anyone of the student's choosing who is in the capacity to provide mental and emotional support for the student while matriculating through the process. It is the student's responsibility to contact either a Civility Advisor or an Advisor upon receipt of the notice of allegations. If a student hires or engages with Licensed Attorney, it is at his/her own expense, and the student must notify the Office of Community Standards & Civility and provide the attorney's name and contact information via the Notice of Attorney or Non-Attorney Representation Form and FERPA Release Waiver Form that will be attached to the notice of hearing documentation. The student and Civility Advisor, Advisor or Licensed Attorney are required to complete the forms attached to the notification letter and then return the forms to the Office of Community Standards & Civility on the date of the scheduled Administrative Hearing. Students must complete a FERPA Waiver in order to allow a Licensed Attorney, Civility Advisor, or Advisor access to their conduct information and/or full participation during the hearing process. A student participating in the process will also have attached to their notification of an Administrative Hearing the following documentation:

- Interpretive Guidance for North Carolina General Statutes Section 116-40.11: Disciplinary Proceedings: Right to Counsel for Students and Organizations (defines Rule 700 which allows students and organizations the right to have counsel during hearings)
- Requirements and Guidelines to Follow for the Participation of a License Attorney or Non-Attorney Advisors during Disciplinary Proceedings
- FERPA Authorization Waiver
- Notice of Attorney or Non-Attorney Representation Form

All participating Civility Advisors/Advisors/Licensed Attorneys will also have to hold themselves to the same standards as all members of the University community and conduct themselves as such. If a Civility Advisor/Advisor/Licensed Attorney becomes unruly or conducts themselves in a manner that is disruptive to the process, he or she may be asked to leave.

- e. Advise the student to contact the Director of Community Standards & Civility or a designee regarding the incident if there are any pending questions or if date, time, and/or location needs to be modified due to unavailability.
- f. Advise the student that failure to contact the Director of Community Standards & Civility or a designee, if unable to attend, will constitute another infraction of the Code of Community Standards & Civility, that the hearing will be conducted in the Respondent's absence based upon the information given via the Incident Report, and a hold will be placed on the student's account due failing to attend his or her hearing.
- g. Advise the student whether the Complainant has requested to move forward in the process via a Mediation.
3. Notification about Administrative Hearing should be submitted to alleged Respondent within 24-72 hours after notification of alleged misconduct. If a complaint is to be pursued, the Administrative Hearing should be scheduled for at least five (5) business days from the date the student was sent the notice, unless the student agrees to an earlier hearing date. If requesting an earlier hearing date, student must complete a *Notification and Allowance for Earlier Hearing Form*, so that the Office will have accurate documentation.
4. At the Administrative Hearing, the Director of Community Standards & Civility shall provide the student (Respondent) and Civility Advisor/Advisor/Licensed Attorney with:
- a. Opportunity to review all information used in case.
 - b. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are verbally informed on where to locate the electronic copy of the Code of Community Standards & Civility at WSSU.
 - c. The Director of Community Standards & Civility or designee will review with the Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney the formal infraction(s) stemming from the allegations.

d. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are verbally informed of the flow of the Administrative Hearing.

e. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are informed of the potential sanctions that Respondent is facing.

f. Appeals process is explained to Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney

g. The Civility Advisor, Advisor, or Licensed Attorney's role, throughout the Community Standards & Civility process, is explained.

h. Respondent will then sign off on documentation stating that he or she understands the above information.

i. Respondent will then be asked if he or she accepts responsibility, accepts responsibility with an explanation, does not accept responsibility, or does not accept responsibility with an explanation to the alleged policy infractions.

J. Respondent will then be asked to explain his or her version of the events in question; Director of Community Standards & Civility or designee will then ask questions for clarification.

k. The Director of Community Standards & Civility or designee will then determine, based off of the information given, the incident report, and the preponderance of evidence, whether or not the Respondent did or did not create a violation to the Code of Community Standards & Civility.

l. Respondent will then be verbally informed of the findings and the sanctions and informed that his or her decision letter will be sent to his or her *rams.wssu.edu* email account before the close of business of the fifth business day. The information verbally given will be detailed in the letter.

m. Inform Respondent that an electronic copy of the case file will be maintained within the Maxient Student Conduct System.

F. Notice and Proceedings for Title IX Administrative Hearing will be processed in the following manner:

1. Initial Title IX Case Creation

If the Title IX Coordinator reviews the complaint and it indicates potential infraction(s) of the Policy, the Title IX Coordinator will contact the Complainant associated with the possible infraction within a forty-eight-hour (48 hour) time frame to begin a formal investigation. For more information about the Title IX Process, please refer to the WSSU Title IX for Students' page (<https://www.wssu.edu/student-life/student-conduct/title-ix-for-students.html>) and the Resolution Procedures for Sexual Misconduct and Gender-Based Harassment Policy (<https://www.wssu.edu/administration/human-resources/eoo-aa/files/documents/title-ix-procedures-students.pdf>).

2. Title IX Administrative Hearing Process After Investigation:

Prior to submitting a notice of allegation(s) to a student, the Director of Community Standards & Civility or a designee may:

a. Consult with the Assistant Dean of Health, Wellness and Prevention or University Counsel when an action is pending in state court, federal court, or court in a foreign country against a student or has been decided in court to determine whether the student has concurrently violated the Code of Community Standards & Civility at WSSU.

b. Receive and review allegations. Determine whether (1) the allegation, if proven, would constitute an offense under the Code of Community Standards & Civility and, (2) based upon the stated allegation, is there reasonable belief that the allegation may have occurred, and 3) if based upon the stipulation of the allegation and information, can it be determine if the student will go through an Administrative Hearing (one-on-one process with an Administrator) or go before the WSSU Title IX Council (council comprised of 3-4 faculty/staff members who determine a sanctioning recommendation for suspension or expulsion level cases). This screening involves reading the case allegations, description of the alleged behavior, reviewing all information involved, and/or communication with the Complainant(s) (individual(s) making the allegations), as appropriate to the situation).

2. A student who is receiving a notification for an Administrative Hearing due to alleged violations of the Code of Community Standards & Civility at WSSU will receive a notification, submitted to their *rams.wssu.edu* account that will:

a. Contain the substance of the allegations (alleged infraction of the Code of Community Standards & Civility).

b. Give a synopsis of the allegations (a one to two sentence overview of what allegedly occurred).

c. Inform the student of the date, time, and location of the Administrative Hearing and who the student's will be meeting with.

d. Educate the student of his/her rights to a Civility Advisor, Advisor, or Licensed Attorney. Civility Advisors are upper class students, faculty, and/or staff members from the University who have received training about advocating for students, advising, and educating students through the above process from the Office of Community Standards & Civility. These Advisors are available to assist in all aspects of the student's case. A list of Civility Advisors will be attached to the formal notification of allegations. If student chooses to obtain a family member, friend, or another person(s) of their choosing, that person(s) is noted as an advisor, and it is the student's right. An Advisor can be anyone of the student's choosing who is in the capacity to provide mental and emotional support for the student while matriculating through the process. It is the student's responsibility to contact either a Civility Advisor or an Advisor upon receipt of the notice of allegations. If a student hires or engages with Licensed Attorney, it is at his/her own expense, and the student must notify the Office of Community Standards & Civility and provide the attorney's name and contact information via the Notice of Attorney or Non-Attorney Representation Form and FERPA Release Waiver Form that will be attached to the notice of hearing documentation. The student and Civility Advisor, Advisor or Licensed Attorney are required to complete the forms attached to the notification letter and then return the forms to the Office of Community Standards & Civility on the date of the scheduled Administrative Hearing. Students must complete a FERPA Waiver in order to allow a Licensed Attorney, Civility Advisor, or Advisor access to their conduct information and/or full participation during the hearing process. A student participating in

the process will also have attached to their notification of an Administrative Hearing the following documentation:

- Interpretive Guidance for North Carolina General Statutes Section 116-40.11: Disciplinary Proceedings: Right to Counsel for Students and Organizations (defines Rule 700 which allows students and organizations the right to have counsel during hearings)
- Requirements and Guidelines to Follow for the Participation of a License Attorney or Non-Attorney Advisors during Disciplinary Proceedings
- FERPA Authorization Waiver
- Notice of Attorney or Non-Attorney Representation Form
- Policy on Sexual Harassment (Title IX)
- DSA Procedures and Sanction Process (Title IX)
- Sexual Misconduct & Gender-Based Harassment Policy
<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-900-general-university-policies/900.2.html>
- Resolution Procedures <https://www.wssu.edu/administration/human-resources/eo-aa/files/documents/title-ix-procedures-students.pdf>

All participating Civility Advisors/Advisors/Licensed Attorneys will also have to hold themselves to the same standards as all members of the University community and conduct themselves as such. If a Civility Advisor/Advisor/Licensed Attorney becomes unruly or conducts themselves in a manner that is disruptive to the process, he or she may be asked to leave.

e. Advise the student to contact the Director of Community Standards & Civility or a designee regarding the incident if there are any pending questions or if date, time, and/or location needs to be modified due to unavailability.

f. Advise the student that failure to contact the Director of Community Standards & Civility or a designee, if unable to attend, will constitute another infraction of the Code of Community Standards & Civility, that the hearing will be conducted in the Respondent's absence based upon the information given via the Incident Report, and a hold will be placed on the student's account due failing to attend his or her hearing.

3. Notification about Administrative Hearing will be submitted to alleged Respondent within a timely manner after notification of alleged misconduct is suggested via the Title IX Fact Finding Report from the Office of EEO/Title IX. More time may be needed depending on the circumstances of the incident and severity of violation(s). If requesting an earlier hearing date, student must complete a *Notification and Allowance for Earlier Hearing Form*, so that the Office will have accurate documentation.

4. At the Administrative Hearing, the Director of Community Standards & Civility shall provide the student (Respondent) and Civility Advisor/Advisor/Licensed Attorney with:
- a. Opportunity to review all information used in case.
 - b. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are verbally informed on where to locate the electronic copy of the Code of Community Standards & Civility at WSSU.
 - c. The Director of Community Standards & Civility or designee will review with the Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney the formal infraction(s) stemming from the allegations.
 - d. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are verbally informed of the flow of the Administrative Hearing.
 - e. Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney are informed of the potential sanctions that Respondent is facing.
 - f. Appeals process is explained to Respondent and Respondent's Civility Advisor/Advisor/Licensed Attorney
 - g. The Civility Advisor, Advisor, or Licensed Attorney's role, throughout the Community Standards & Civility process, is explained.
 - h. Respondent will then sign off on documentation stating that he or she understands the above information.
 - i. Respondent will then be asked if he or she accepts responsibility, accepts responsibility with an explanation, does not accept responsibility, or does not accept responsibility with an explanation to the alleged policy infractions.
 - j. Respondent has the ability to accept responsibility for infraction(s) and to not proceed forward with an Administrative Hearing. If this occurs, Respondent will then receive a decision letter stating the above and sanctions will be imposed.
 - k. If Respondent chooses not to automatically accept infractions, Respondent will move forward in the Administrative Hearing process and will then be asked to explain his or her version of the events in question; Director of Community Standards & Civility or designee will then ask questions for clarification.
 - l. The Director of Community Standards & Civility or designee will then determine, based off of the information given, the incident report, and the preponderance of evidence, whether or not the Respondent did or did not create a violation to the Code of Community Standards & Civility.
 - m. Respondent will then be verbally informed of the findings and the sanctions and informed that his or her decision letter will be sent to his or her rams.wssu.edu email account before the close of business no later than by the end of the week. The information verbally given will be detailed in the letter.
 - n. Inform Respondent that an electronic copy of the case file will be maintained within the Maxient Student Conduct System.

G. Notice and Proceedings for WSSU Community Standards & Civility Council Hearings (CSCC) will be processed in the following manner:

1. Pre-hearing Conference (PHC) Notification will contain the substance of the allegations (alleged violations to the Code of Community Standards & Civility).
2. Give a synopsis of the incident (a one to two sentence overview of what occurred).
3. Inform the student of the date, time, and location of the Pre-hearing Conference and date, time, location of the WSSU Community Standards & Civility Council Hearing (CSCC).
4. Educate the student of his/her rights to have a Civility Advisor/Advisor/Licensed Attorney and inform the student that he or she is required to have one present for the PHC and when having the WSSU CSCC Hearing. The list of Civility Advisors will be attached to the notification, along with the following documentation:

- Interpretive Guidance for North Carolina General Statutes Section 116-40.11: Disciplinary Proceedings: Right to Counsel for Students and Organizations (defines Rule 700 which allows students and organizations the right to have counsel during hearings)
- Requirements and Guidelines to Follow for the Participation of a License Attorney, Non-Attorney Advisor during Disciplinary Proceedings
- FERPA Authorization Waiver
- Notice of Attorney or Non-Attorney Representation Form

Civility Advisors are upper class students, faculty, and/or staff members from the University who have received training about advocating for students, advising, and educating students through the above process from the Office of Community Standards & Civility. These Advisors are available to assist in all aspects of the student's case. A list of Civility Advisors will be attached to the formal notification of allegations. If student choose to obtain a family member, friend, or another person(s) of their choosing, that person(s) is noted as an advisor, and it is the student's right. An Advisor can be anyone of the student's choosing who is in the capacity to provide mental and emotional support for the student while matriculating through the process. It is the student's responsibility to contact either a Civility Advisor or an Advisor upon receipt of the notice of allegations. If a student hires or engages with Licensed Attorney, it is at his/her own expense, and the student must notify the Office of Community Standards & Civility and provide the attorney's name and contact information via the Notice of Attorney, Civility Advisor, or Advisor Representation Form and FERPA Release Waiver Form that will be attached to the notice of hearing documentation. The student and Civility Advisor, Advisor or Licensed Attorney are required to complete the forms attached to the notification letter and then return the forms to the Office of Community Standards & Civility on the date of the scheduled Pre-hearing Conference. Students must complete a FERPA Waiver in order to allow a Licensed Attorney, Civility Advisor, or Advisor access to their conduct information and/or full participation during the hearing process.

5. Inform the student to contact the Director of Community Standards & Civility or a designee regarding the allegations that the student has violated the Code of Community Standards & Civility if there are any pending questions or if date, time, and/or location needs to be modified due to unavailability.

6. Advise the student that failure to contact the Director of Community Standards & Civility or a designee, if unable to attend, will constitute a violation of Code of Community Standards & Civility.

7. At the PHC, the Director of Community Standards & Civility shall provide the student (Respondent) and Civility Advisor, Advisor, or Licensed Attorney with:

- a. Opportunity to review all information used in case.
- b. Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed on where to locate the electronic version of the WSSU Code of Community Standards & Civility.
- c. The Director of Community Standards & Civility will review with the Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney the formal infraction(s) stemming from the allegations.
- d. Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed of how the WSSU CSCC Hearing is run.
- e. The Civility Advisor, Advisor, or Licensed Attorney is informed of their role throughout the Community Standards & Civility process and in what capacity he or she can participate in. Respondent's Civility Advisor, Advisor, or Licensed Attorney must execute all forms in Section D, #4, in order to be allowed access to the student's conduct information and to be allowed to fully participate in the hearing process. The Civility Advisor, Advisor, or Licensed Attorney is informed that he or she/they can direct questions for the Respondent during the process, but cannot speak for the Respondent when answering questions or explaining Respondent's version of the events in question. The Civility Advisor, Advisor, or Licensed Attorney will also be informed that he or she/they will have to conduct themselves in the same manner and standards in which students are held and therefore, if a Civility Advisor, Advisor, or Licensed Attorney becomes unruly or conducts himself or herself in a manner that is disruptive to the process, he or she may be asked to leave.
- f. Respondent is informed that if there is a council member who has a conflict of interest with the Respondent, bias about, or interest in the case, that he or she can inform the council of this during the beginning portion of the WSSU CSCC Hearing. Council members are also made aware of this and should recuse himself/herself if a conflict of interest is present. If the council member or the hearing official refuses to recuse himself/herself, the Director of Community Standards & Civility shall make the recusal decision.
- g. Respondent and Respondent's Civility Advisor, Advisor, Licensed Attorney are informed of the potential sanctions that Respondent is facing.
- h. Appeals process is explained to Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney
- i. The Civility Advisor, Advisor, or Licensed Attorney's role, throughout the process, is explained.
- j. An opportunity for the Civility Advisor, Advisor, or Licensed Attorney to ask questions for clarification so that the Respondent has ample time to formally prepare for the hearing.
- k. Respondent and Civility Advisor, Advisor, or Licensed Attorney are informed of the appeals process and grounds for appeal.
- l. Respondent and Civility Advisor, Advisor, or Licensed Attorney are informed of the date, time, and location of the WSSU CSCC Hearing. CSCC Hearings are scheduled for 48-72 hours after the PHC.

8. At the WSSU CSCC Hearing, the Respondent and Civility Advisor, Advisor, or Licensed Attorney will follow the following process:

- a. The Respondent and Civility Advisor, Advisor, or Licensed Attorney will be escorted into the conference room with the council (made up of 3-4 students/faculty, or staff members), Chair of

the CSCC, University Official or Complainant (Housing & Residence Life Staff, Campus Police, Staff, Administration, etc.).

- b. The Chair of the CSCC will utilize a script to ensure accuracy and consistency throughout the conduct process, ensuring that all rights, regulations, and information is verbally disseminated and understood, while on record (audio recorder will be present).
- c. All parties in the room will state their name and identify the capacity in which they are there, either as a student, faculty, or staff member on the council.
- d. All other parties in the room will then state the capacity in which they are there, either as the Respondent, Respondent's Civility Advisor, Advisor, Licensed Attorney, Respondent's witnesses, etc.
- e. The Chair of the CSCC will then continue utilizing the script to address all policies and procedures of the process and review alleged policy infractions.
- f. Respondent will have to state if he or she accepts responsibility or does not accept responsibility for each infraction, once prompted.
- g. Student is informed of more policies and procedures; University Official will conclude with their portion of the script, reiterating the alleged policy infractions, evidence used in case, and then read the incident reports associated with the case or prompt the Complainant party to read their incident report on file or explain their version of the events in question.
- h. Complainant will then give his or her version of the events in question; Complainant's witnesses (if applicable) will be brought into the room to give their version of the events in question, and both parties will then be asked questions, for clarification purposes, by the CSSC members.
- i. Once that portion concludes, the Respondent will be asked to give his or her version of the events in question.
- j. CSCC members will be prompted to ask questions of the Respondent to gain clarification of the allegations.
- k. Respondent and Complainant will then be given an opportunity to direct questions to one another, to gain clarification.
- l. Complainant will then be asked by the Chair if he or she has a final statement to leave the Council with; Respondent is then given the same opportunity.
- m. The Chair will then complete the hearing utilizing the script, state that the Complainant and Complainant's party are now allowed to leave the hearing, state that the Respondent and Respondent's party are also allowed to leave the hearing, and then conclude the hearing.
- n. The Council will then determine, based on all information given during the CSCC Hearing, whether the student is responsible or not responsible for the alleged infractions.
- o. An official letter from the Office of Community Standards & Civility will then be submitted to the student, via electronic notification and hard copy to the permanent home address of the Respondent, detailing the findings, sanctions, grounds for appeals, and appeal process.

9. Throughout the process, any student(s) who accepts responsibility or receives findings of responsibility, shall be advised of the following:

- a. The Director of Community Standards & Civility or university official assigned to this matter shall make the determination of sanctions.
- b. Any sanctions imposed may be appealed via the appeals process listed within the conduct process if there is validating evidence for grounds of appeals.

c. The Respondent student will still be educated through the entire conduct process so that the student knows all of their rights in entirety to ensure a thorough due process. The student will also sign and date documentation, given by the Director of Community Standards & Civility, stating that he or she understands all provisions and rights throughout the process.

Please note that if there are time constraints or a backlog of cases associated with a WSSU Community Standards & Civility Council Hearings (CSCCH), then the full range of sanctions, including suspension and expulsion, may be imposed and all rights and responsibilities that apply in the WSSU Community Standards & Civility Council Hearings (CSCCH) will then be applied to an Administrative Hearing. The Director of Community Standards & Civility may refer a case to an Administrative Hearing, in his or her discretion, if the case arises at a time when the Council cannot be convened (e.g. during holidays, semester breaks, or over the summer session) or a backlog of cases has developed and an Administrative Hearing is necessary to assure prompt resolution of cases, as stated previously.

H. Notice and Proceedings for WSSU Title IX Council Hearings will be processed in the following manner:

After the initial investigation and creation of the Title IX Fact Finding Report. If it has been determined that the alleged infractions are severe enough to warrant the Respondent(s) to have his or her case heard by the WSSU Title IX Council, the following below procedures will be implemented. They are the following:

1. Pre-hearing Conference (PHC) Notification will contain the substance of the allegations (alleged violations to the Code of Community Standards & Civility).
2. Give a synopsis of the allegations (a one to two sentence overview of what occurred).
3. Inform the student of the date, time, and location of the Pre-hearing Conference and date, time, location of the WSSU Title IX Council Hearing.
4. Educate the student of his/her rights to have a Civility Advisor/Advisor/Licensed Attorney and inform the student that he or she is required to have one present for the PHC and when having the WSSU Title IX Council Hearing. The list of Civility Advisors/Advisors will be attached to the notification, along with the following documentation:
 - Interpretive Guidance for North Carolina General Statutes Section 116-40.11: Disciplinary Proceedings: Right to Counsel for Students and Organizations (defines Rule 700 which allows students and organizations the right to have counsel during hearings)
 - Requirements and Guidelines to Follow for the Participation of a License Attorney, Non-Attorney Advisor during Disciplinary Proceedings
 - FERPA Authorization Waiver
 - Notice of Attorney or Non-Attorney Representation Form
 - Policy on Sexual Harassment (Title IX)
 - DSA Procedures and Sanction Process (Title IX)

Civility Advisors are upper class students, faculty, and/or staff members from the University who have received training about advocating for students, advising, and educating students through the above process from the Office of Community Standards & Civility. These Advisors are available to assist in all aspects of the student's case. A list of Civility Advisors will be attached to the formal notification of allegations. If a student chooses to obtain a family member, friend, or another person(s) of their choosing, that person(s) is noted as an Advisor, and it is the student's right. An Advisor can be anyone of the student's choosing who is in the capacity to provide mental and emotional support for the student while matriculating through the process. It is the student's responsibility to contact either a Civility Advisor or an Advisor upon receipt of the notice of allegations. If a student hires or engages with Licensed Attorney, it is at his/her own expense, and the student must notify the Office of Community Standards & Civility and provide the attorney's name and contact information via the Notice of Attorney, Civility Advisor, or Advisor Representation Form and FERPA Release Waiver Form that will be attached to the notice of hearing documentation. The student and Civility Advisor, Advisor or Licensed Attorney are required to complete the forms attached to the notification letter and then return the forms to the Office of Community Standards & Civility on the date of the scheduled Pre-hearing Conference. Students must complete a FERPA Waiver in order to allow a Licensed Attorney, Civility Advisor, or Advisor access to their conduct information and/or full participation during the hearing process.

5. Inform the student to contact the Director of Community Standards & Civility or a designee regarding the allegations that the student has violated the Code of Community Standards & Civility if there are any pending questions or if date, time, and/or location needs to be modified due to unavailability.

6. Advise the student that failure to contact the Director of Community Standards & Civility or a designee, if unable to attend, will constitute a violation of Code of Community Standards & Civility.

7. At the PHC, the Director of Community Standards & Civility shall provide the student (Respondent) and Civility Advisor, Advisor, or Licensed Attorney with:

a. Opportunity to review all information used in case.

b. Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed on where to locate the electronic version of the WSSU Code of Community Standards & Civility.

c. The Director of Community Standards & Civility will review with the Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney the formal infraction(s) stemming from the allegations.

d. Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed of how the WSSU Title IX Council Hearing is run.

e. The Civility Advisor, Advisor, or Licensed Attorney is informed of their role throughout the Community Standards & Civility process and in what capacity he or she can participate in. Respondent's Civility Advisor, Advisor, or Licensed Attorney must execute all forms in Section E, #4, in order to be allowed access to the student's conduct information and to be allowed to fully participate in the hearing process. The Civility Advisor, Advisor, or Licensed Attorney is informed that he or she/they can direct questions for the Respondent during the process, but cannot speak for the Respondent when answering questions or explaining Respondent's version of the events in question. The Civility Advisor, Advisor, or Licensed Attorney will also be informed that he or she/they will have to conduct themselves in the same manner

and standards in which students are held and therefore, if a Civility Advisor, Advisor, or Licensed Attorney becomes unruly or conducts himself or herself in a manner that is disruptive to the process, he or she may be asked to leave.

f. Respondent is informed that if there is a council member who has a conflict of interest with the Respondent, bias about, or interest in the case, that he or she can inform the council of this during the beginning portion the WSSU Title IX Council Hearing. Council members are also made aware of this and should recuse himself/herself if a conflict of interest is present. If the council member or the hearing official refuses to recuse himself/herself, the Director of Community Standards & Civility shall make the recusal decision.

g. Respondent and Respondent's Civility Advisor, Advisor, Licensed Attorney are informed of the potential sanctions that Respondent is facing.

h. Appeals process is explained to Respondent and Respondent's Civility Advisor, Advisor, or Licensed Attorney

i. The Civility Advisor, Advisor, or Licensed Attorney's role, throughout the process, is explained.

j. An opportunity for the Civility Advisor, Advisor, or Licensed Attorney to ask questions for clarification so that the Respondent has ample time to formally prepare for the hearing.

k. Respondent and Civility Advisor, Advisor, or Licensed Attorney are informed of the appeals process and grounds for appeal.

l. Respondent and Civility Advisor, Advisor, or Licensed Attorney are informed of the date, time, and location of the WSSU Title IX Council Hearing. WSSU Title IX Council Hearings are scheduled for 48-72 hours after the PHC.

8. At the WSSU Title IX Council Hearing, the Respondent and Civility Advisor, Advisor, or Licensed Attorney will follow the following process:

a. The Respondent and Civility Advisor, Advisor, or Licensed Attorney will be escorted into the conference room with the council (made up of 3-4 faculty/staff members), Chair of the Title IX Council (Director of Community Standards & Civility-will not have any voting ability but is solely present to implement proper procedure during the hearing), and Complainant (Complainant party has the ability to inform the council of his or her information via personal presence, teleconference, or Skype, but is not allowed to have Civility Advisor, Advisor, or Licensed Attorney to speak in his or her absence). If the Complainant party chooses not to participate, all information gathered throughout the investigation will be brought forth by a representative of the Office of EEO/Title IX.

b. The Chair of the Title IX Council will utilize a script to ensure accuracy and consistency throughout the conduct process, ensuring that all rights, regulations, and information is verbally disseminated and understood, while on record (audio recorder will be present).

c. All parties in the room will state their name and identify the capacity in which they are there, either as a faculty or staff member on the council.

- d. All other parties in the room will then state the capacity in which they are there, either as the Respondent, Respondent's Civility Advisor, Advisor, Licensed Attorney, Respondent's witnesses, Complainant, Complainant's Civility Advisor, Advisor, Licensed Attorney, etc.
 - e. The Chair of the Title IX Council will then continue utilizing the script to address all policies and procedures of the process and review alleged policy infractions.
 - f. Respondent will have to state if he or she accepts responsibility or does not accept responsibility for each infraction, once prompted.
 - g. Student is informed of more policies and procedures. The incident report(s) associated with the case will then be read to the council along with the findings from the Title IX Fact Finding Report.
 - h. Complainant party or representation will then be prompted to give his or her version of the events in question; Complainant's witnesses (if applicable) will be brought into the room to give their version of the events in question, and both parties will then be asked questions, for clarification purposes, by the council members.
 - i. Once that portion concludes, the Respondent will be asked to give his or her version of the events in question.
 - j. Council members will be prompted to ask questions of the Respondent to gain clarification of the allegations.
 - k. Respondent and Complainant will then be given an opportunity to direct questions to one another, to gain clarification. Even though having the ability to direct questions is allotted, both parties must direct the questions to the Chair of the Title IX Council and the other party can then respond. All questions and responses must be based solely on relevant information and cannot be communicated in an attacking manner, creating a hostile environment.
 - l. Complainant party or representation will then be asked by the Chair if he or she has a final statement to leave the Council with; Respondent is then given the same opportunity.
 - m. The Chair will then complete the hearing utilizing the script, state that the Complainant and Complainant's party are now allowed to leave the hearing, state that the Respondent and Respondent's party are also allowed to leave the hearing, and then conclude the hearing.
 - n. The Council will then determine, based on all information given during the Title IX Council Hearing, whether the student is responsible or not responsible for the alleged infractions.
 - o. An official letter from the Office of Community Standards & Civility will then be submitted to the student, via electronic notification and hard copy to the permanent home address of the Respondent, detailing the findings, sanctions, grounds for appeals, and appeal process.
9. Throughout the process, any student(s) who accepts responsibility or receives findings of responsibility, shall be advised of the following:
- a. The Director of Community Standards & Civility assigned to this matter shall make the determination of sanctions based upon the Title IX Council's decision.

b. Any sanctions imposed may be appealed via the Title IX Appeals Process listed within the Appeals Process section if there is validating evidence for grounds of appeals.

c. The Respondent student will still be educated through the entire conduct process so that the student knows all of his or her rights in entirety to ensure a thorough due process. The student will also sign and date documentation, given by the Director of Community Standards & Civility, stating that he or she understands all provisions and rights throughout the process.

I. Notice and Proceedings for Recognized Organization Review Council Hearings (RORC) will be processed in the following manner:

1. Pre-hearing Conference (PHC) Notification will contain the substance of the allegations (alleged violations to the Code of Community Standards & Civility).

2. Give a synopsis of the allegations (a one to two sentence overview of what occurred).

3. Inform the student organization of the date, time, and location of the Pre-hearing Conference and date, time, location of the Recognized Organization Review Council Hearing (RORC).

4. Educate the student organization of rights to a Civility Advisor, Advisor, or Licensed Attorney and inform the student organization (Chapter President, Chapter Advisor, Members representing the Chapter or organization) that they are required to have one present for the PHC and when having the RORC Hearing. The list of Civility Advisors will be attached to the notification, along with the following documentation:

- Interpretive Guidance for North Carolina General Statutes Section 116-40.11: Disciplinary Proceedings: Right to Counsel for Students and Organizations (defines Rule 700 which allows students and organizations the right to have counsel during hearings)
- Requirements and Guidelines to Follow for the Participation of a License Attorney, Non-Attorney Advisor during Disciplinary Proceedings
- FERPA Authorization Waiver
- Notice of Attorney or Non-Attorney Representation Form

Civility Advisors are upper class students, faculty, and/or staff members from the University who have received training about advocating for students' organizations, advising, and educating student organizations through the above process from the Office of Community Standards & Civility. These Advisors are available to assist in all aspects of the student organization cases. A list of Civility Advisors will be attached to the formal notification of allegations. If the student organization chooses to obtain the Chapter Advisor or another person(s) of their choosing, that person(s) is noted as an Advisor, and it is the student organization's right. An Advisor can be anyone of the student organization's choosing who is in the capacity to provide mental and emotional support for the student organization while matriculating through the process. It is the student organization's responsibility to contact either a Civility Advisor or an Advisor upon receipt of the notice of allegations. If a student organization hires or engages with Licensed Attorney, it is at their own expense, and the student organization must notify the Office of Community Standards & Civility and provide the attorney's name and contact information via

the Notice of Attorney, Civility Advisor, or Advisor Representation Form and FERPA Release Waiver Form that will be attached to the notice of hearing documentation. The student and Civility Advisor, Advisor or Licensed Attorney are required to complete the forms attached to the notification letter and then return the forms to the Office of Community Standards & Civility on the date of the scheduled Pre-hearing Conference. Students must complete a FERPA Waiver in order to allow a Licensed Attorney, Civility Advisor, or Advisor access to their conduct information and/or full participation during the hearing process.

5. Inform the student organization to contact the Director of Community Standards & Civility or a designee regarding the allegations that the student organization has violated the Code of Community Standards & Civility if there are any pending questions or if date, time, and/or location needs to be modified due to unavailability.
6. Advise the student organization that failure to contact the Director of Community Standards & Civility or a designee, if unable to attend, will constitute a violation of Code of Community Standards & Civility.
7. At the PHC, the Director of Community Standards & Civility shall provide the student organization (Respondents) and Civility Advisor, Advisor, or Licensed Attorney with:
 - a. Opportunity to review all information used in case.
 - b. Respondents and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed on where to locate the electronic version of the WSSU Code of Community Standards & Civility.
 - c. The Director of Community Standards & Civility will review with the Respondents and Respondent's Civility Advisor, Advisor, or Licensed Attorney the formal infraction(s) stemming from the allegations.
 - d. Respondents and Respondent's Civility Advisor, Advisor, or Licensed Attorney are verbally informed of how the RORC Hearing is run.
 - e. The Civility Advisor, Advisor, or Licensed Attorney is informed of their role throughout the Community Standards & Civility process and in what capacity he or she can participate in. Respondent's Civility Advisor, Advisor, or Licensed Attorney must execute all forms in Section I, #4, in order to be allowed access to the student organization's conduct information and to be allowed to fully participate in the hearing process. The Civility Advisor, Advisor, or Licensed Attorney is informed that he or she/they can direct questions for the Respondents during the process, but cannot speak for the Respondents when answering questions or explaining Respondents' version of the events in question. The Civility Advisor, Advisor, or Licensed Attorney will also be informed that he or she/they will have to conduct themselves in the same manner and standards in which student organizations are held and therefore, if a Civility Advisor, Advisor, or Licensed Attorney becomes unruly or conducts himself or herself in a manner that is disruptive to the process, he or she may be asked to leave.
 - f. Respondents are informed that if there is a council member who has a conflict of interest with the Respondents, bias about, or interest in the case, that they can inform the council of this during the beginning portion the RORC Hearing. Council members are also made aware of this and should recuse himself/herself if a conflict of interest is present. If the council member or the hearing official refuses to recuse himself/herself, the Director of Community Standards & Civility shall make the recusal decision.
 - g. Respondent and Respondent's Civility Advisor, Advisor, Licensed Attorney are informed of the potential sanctions that Respondent is facing.

- h. Appeals process is explained to Respondents and Respondent's Civility Advisor, Advisor, or Licensed Attorney.
- i. The Civility Advisor, Advisor, or Licensed Attorney's role, throughout the process, is explained.
- j. An opportunity for the Civility Advisor, Advisor, or Licensed Attorney to ask questions for clarification so that the Respondents have ample time to formally prepare for the hearing.
- k. Respondents and Civility Advisor, Advisor, or Licensed Attorney are informed of the appeals process and grounds for appeal.
- l. Respondents and Civility Advisor, Advisor, or Licensed Attorney are informed of the date, time, and location of the RORC Hearing. RORC Hearings are scheduled for 48-72 hours after the PHC.

8. At the RORC Hearing, the Respondents and Civility Advisor, Advisor, or Licensed Attorney will follow the following process:

- a. The Respondents and Civility Advisor, Advisor, or Licensed Attorney will be escorted into the conference room with the council (made up of 3 students), Chair of the RORC (Director of Community Standards & Civility), University Official or Complainant Party (Director of USAE, Housing & Residence Life Staff, Campus Police, Staff, Administration, Former initiate or member of student organization, etc.).
- b. The Chair of the RORC will utilize a script to ensure accuracy and consistency throughout the conduct process, ensuring that all rights, regulations, and information is verbally disseminated and understood, while on record (audio recorder will be present).
- c. All parties in the room will state their name and identify the capacity in which they are there, either as a student on the council, Complainant or University Official, Complainant's witness(es), the Respondents, Respondent's Civility Advisor, Advisor, Licensed Attorney, Respondent's witnesses, etc.
- d. The Chair of the RORC will then continue utilizing the script to address all policies and procedures of the process and review alleged policy infractions.
- e. Respondents will be informed that during the proceedings, if it is discovered that conduct infractions were created, on an individual basis, by members of the Respondents' party, then after the conclusion of the Respondents' (student organization as a whole) RORC Hearing, an official notification of an Administrative Hearing (for infractions warranting sanctions of Deferred Suspension or lower) or WSSU Community Standards & Civility Council Hearing (for infractions warranting sanctions of suspension or expulsion), will be submitted to the Respondent party individuals for case adjudication. If found responsible for their individual infractions, depending of the severity of their infractions, Respondent student will face individual disciplinary and educational sanctions.
- f. Respondents will have to state if they accept responsibility or do not accept responsibility for each infraction, once prompted.
- g. Respondents are informed of more policies and procedures; University Official will conclude with their portion of the script, reiterating the alleged policy infractions, evidence used in case, and then read the incident reports associated with the case or prompt the Complainant party to read their incident report on file or explain their version of the events in question.
- h. Complainant will then give his or her version of the events in question; Complainant's witnesses (if applicable) will be brought into the room to give their version of the events in question, and both parties will then be asked questions, for clarification purposes, by the RORC members.
- i. Once that portion concludes, the Respondents will be asked to give their version of the events in question. If there is a primary member who is speaking on the behalf of the student organization, then the other members present will remain outside and will be brought in to

explain their version of the events in question one by one, to ensure accuracy and consistency in the process.

- j. RORC members will be prompted to ask questions of the Respondents to gain clarification of the allegations.
- k. Respondents and Complainant(s) will then be given an opportunity to direct questions to one another, to gain clarification.
- l. Complainant will then be asked by the Chair if he or she has a final statement to leave the Council with; Respondents are then given the same opportunity.
- m. The Chair will then complete the hearing utilizing the script, state that the Complainant and Complainant's party are now allowed to leave the hearing, state that the Respondents and Respondent's party are also allowed to leave the hearing, and then conclude the hearing.
- n. The Council will then determine, based on all information given during the RORC Hearing, whether the student organization is responsible or not responsible for the alleged infractions.
- o. An official letter from the Office of Community Standards & Civility will then be submitted to the student organization, via electronic notification and hard copy to the Chapter Advisor or National office of student organization (if applicable), detailing the findings, recommended sanctions from the RORC, grounds for appeals, and appeal process.

9. Throughout the process, any student organization who accepts responsibility or receives findings of responsibility from the RORC, shall be advised of the following:

- a. The RORC determines the findings of the hearing and the findings are submitted and disseminated by the Director of Community Standards & Civility.
- b. Any sanctions imposed may be appealed via the appeals process listed within the conduct process if there is validating evidence for grounds of appeals.
- c. The Respondents will still be educated through the entire conduct process so that the student organization knows all of their rights in entirety to ensure a thorough due process. The student organization will also sign and date documentation, given by the Director of Community Standards & Civility, stating that they understand all provisions and rights throughout the process. All members of the student organization that are present for the PHC must be same members representing the student organization at the RORC Hearing, will be required to sign off on documentation to ensure that they are fully knowledgeable of the entire process.

Please note that if there are time constraints or a backlog of cases associated with a Recognized Organization Review Council Hearings (RORC Hearings), then the full range of sanctions, including suspension and expulsion, may be imposed and all rights and responsibilities that apply in the RORC Hearings (RORC Hearings) will then be applied to an Administrative Hearing. The Director of Community Standards & Civility may refer a case to an Administrative Hearing, in his or her discretion, if the case arises at a time when the Council cannot be convened (e.g. during holidays, semester breaks, or over the summer session) or a backlog of cases has developed and an Administrative Hearing is necessary to assure prompt resolution of cases, as stated previously.

IX. SANCTIONS

The primary purpose of sanctions in the Code of Community Standards & Civility is to hold individuals accountable for actions that directly or indirectly conflict with the University's community standards, behavior that is disruptive, threatening or dangerous to others, indecent and obscene, or behavior that impairs the holistic environment of the University and impedes on the primary educational functions of

the University. Sanctions under the Code of Community Standards & Civility may be modified for each infraction based upon mitigating circumstances. Though maximum penalties are identified by Code of Community Standards & Civility, lesser sanctions may be selected, depending on the circumstances and based upon the Policy Infraction Tiers of the Code of Community Standards & Civility (refer to Section III. Tier Levels for Infractions).

When sanctions of Expulsion and Suspension, which affect student's academic enrollment at the University, are implemented, in order to hold the student accountable for his or her actions, the Director of Community Standards & Civility shall, in writing, notify Academic Affairs, Financial Aid Office, Registrar, Director of Housing & Residence Life, University Police, and such other offices as deemed necessary to ensure that the sanction is enforced. If a student is placed on Suspension or Expulsion, please note that the student is not allowed onto any grounds of or associated grounds of Winston-Salem State University. This includes but not limited to all residential halls located on and off-campus and/or open recreation facilities such as the Donald Julian Reeves Recreation Center. In addition, the student will be unable to attend any WSSU events, athletic events, etc. on the grounds of or associated grounds (ex. Bowman Gray Stadium) of Winston-Salem State University. If a student is found to be responsible of the above, WSSU Campus Police may then officially cite or arrest the individual with trespassing and the individual could then be escorted off the grounds. Conduct and/or Academic Integrity cases are maintained permanently in the student's conduct file and there is not an expungement process to remove sanctions from files.

If an appeal is filed, it is to the discretion of the Associate Provost/Vice-Chancellor of Student Development and Engagement to allow the sanction to be temporarily inactive until the appeal is resolved. However, all educational sanctions (reflective essays, community service, educational class, etc.) will still have to be completed while the appeals process is being vetted through. In circumstances where the Associate Provost/Vice-Chancellor of Student Development and Engagement, Provost, and/or the Chancellor will determine that the continued presence of a student on campus is a danger or threat to the University community or the student is a danger to him/herself or others, an Interim Suspension may be imposed immediately and shall remain in effect pending the outcome of a hearing and any appeal.

In pertaining to Academic Integrity cases, sanctions for ethical misconduct result in the creation of a disciplinary file for individuals or groups. Sanctions are imposed to: (a) define a student or organization's status at the university following a finding of responsibility for an infraction; (b) serve as a clear statement about University standards and expectations; (c) educate students on the effects of their ethical behavior; and (d) attempt to affect a change in that ethical behavior in the future. Academic misconduct that involves advance planning, collaboration, falsification of papers, forms or documents, actual or potential harm to other students, or other aggravating circumstances may result in Suspension or Expulsion from the university. In addition, a student may be suspended (or expelled) if further academic misconduct is committed while he or she is on Academic Integrity Probation. Factors or circumstances affecting sanctions shall be considered on a case by case basis.

Sanctions that may be imposed for Behavioral Conduct Infractions are:

- **Modified Interim Suspension** - Modified Interim Suspension is used in an effort to maintain a safe University environment and detour illegal activities on campus. During the process of resolving the

alleged case, the Respondent is temporarily removed from Housing and Residence Life Residence Halls and may not reside within any residential hall rooms associated with any property of Winston-Salem State University until their case has been resolved or appeal approved. This means that the Respondent is allowed to continue with his or her education by completing course work and attending classes, but will only be allowed onto the premises thirty (30) minutes prior to his or her class (es) and thirty (30) minutes after his or her class (es). After Respondent's thirty (30) minute grace period on the campus is completed, if Respondent is found to be remaining on-campus without being cleared by the Chief of the WSSU Police Department, Associate Provost/Vice-Chancellor of Student Development and Engagement, or the Director of Community Standards & Civility, he or she will be deemed in-violation of the terms of their Modified Interim Suspension and therefore, will have his or her Modified Interim Suspension changed to encompass all aspects of an Interim Suspension (immediate temporarily removal from all aspects of the WSSU community). Meaning that Respondent's ability to continue attending classes will now be suspended and Respondent will be arrested for trespassing if found on the grounds of WSSU or associated property. Temporary separation of a student from the residential halls and/or campus is deemed necessary when the Associate Provost/Vice-Chancellor of Student Development and Engagement believes such separation is warranted to: 1. ensure the safety and well-being of members of the University community or preservation of University property; 2. ensure the student's own physical or emotional safety and well-being; 3. remove a student if he or she poses a definite threat to, disruption of, or interference with the normal operations of the University and/or the University environment, or its members, or one or more classes as determined by the Classroom Disruption Policy; 4. a student who possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b)[Section III (4) above]; and/or 5. student (s) who violate the University Drug Policy (see the University Drug Policy: <https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-800-health-and-safety/800.8.html>). Any student sanctioned with Modified Interim Suspension shall have an expedited right of appeal as provided in the appeal section of this Code. Depending upon the severity of the nature of the alleged infraction, the Modified Interim Suspension can be expelled and full Interim Suspension capacity can and will be administered.

• **Interim Suspension** - Interim Suspension is used in an effort to maintain a safe University environment and detour illegal activities on campus. During the process of resolving the alleged case, the Respondent may not return to campus without being cleared by the WSSU Police Chief, Associate Provost/Vice-Chancellor of Student Development and Engagement, the Assistant Dean of Health, Wellness and Prevention, and/or the Director of Community Standards & Civility. If the student has to return to campus for situations of urgency or importance, he or she must be escorted by a WSSU Campus Police Officer to and back from the specific location. If the Respondent violates the terms of the Interim Suspension, he or she will be arrested for trespassing. The temporary separation of a student from the campus is warranted when the Associate Provost/Vice Chancellor of Student Development and Engagement believes such separation is necessary. Interim Suspensions are imposed: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; c) if the student poses a definite threat to, disruption of, or interference with the normal operations of the University and/or the University environment, or its members, or one or more classes as determined by the Classroom Disruption Policy; d) when a student possesses a gun on campus in violation of N.C.G.S. Sec. 4-269.2(b)[Section III (d) above]; e) violates the University Drug Policy (see University Drug Policy:

<https://www.wssu.edu/about/offices-and-departments/legal-affairs/policies-and-procedures/chapter-800-health-and-safety/800.8.html>). If a student is found to be responsible of the above and found

residing on University grounds after appeals process is vetted through or the Interim Suspension is upheld, WSSU Campus Police may then officially cite or arrest the individual with trespassing and the individual could then be escorted off the grounds.

- **Expulsion** – Permanent separation from the University that can only be removed by written petition to the Provost or Chancellor and accompanied by supporting documentation for reinstatement. No petition for reinstatement made earlier than two (2) years from the date of the expulsion shall be considered. Expulsion is reasonable in cases of falsified admission applications, possession of a firearm or any weapon of mass destruction and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to the Code of Community Standards & Civility is deemed offensive to the community standards and the safety of the campus community. During a student’s expulsion time frame, he or she is not allowed onto any grounds of or associated with Winston-Salem State University. This includes but not limited to all residential halls located on and off-campus and/or open recreation facilities such as the Donald Julian Reeves Recreation Center. In addition, the student will be unable to attend any WSSU events, athletic events, etc. on the grounds of or associated grounds (ex. Bowman Gray Stadium) of Winston-Salem State University. If a student is found to be responsible of the above, WSSU Campus Police may then officially cite or arrest the individual with trespassing and the individual could then be escorted off the grounds. If a student is expelled from the institution due to a disciplinary matter, please note that the student is responsible for the full housing and food service bill for the academic semester he or she is expelled for.

- **Suspension** – Separation from the University for a definite period of time, which coincides with the official ending of an academic semester or summer session. Suspension is required for possession or use of any weapon not referenced in expulsion above and for which permission to possess has not been granted by the Chancellor, registered with the WSSU Campus Police Department and stored according to specific directions from the Associate Provost/Vice-Chancellor for Student Development and Engagement and/or UNC-General Assembly. A second weapons offense shall result in expulsion. A first offense for simple possession of a controlled and/or illegal substance can result in suspension. Suspension is also required in cases where the severity of the violation to the Code of Community Standards & Civility is offensive to the community standards and safety of the campus community. During a student’s suspension time frame, he or she is not allowed onto any grounds of or associated with Winston-Salem State University. This includes but not limited to all residential halls located on and off-campus and/or open recreation facilities such as the Donald Julian Reeves Recreation Center. In addition, a student will be unable to attend any WSSU events, athletic events, etc. on the grounds of or associated grounds (ex. Bowman Gray Stadium) of Winston-Salem State University. If a student is found to be responsible of the above, WSSU Campus Police may then officially cite or arrest the individual with trespassing and the individual could then be escorted off the grounds. If a student is suspended from the institution due to a disciplinary matter, please note that the student is responsible for the full housing and food service bill for the academic semester he or she is suspended for.

- **Deferred Suspension**- Deferred Suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of

behavior articulated in the Code of Community Standards & Civility. During a Deferred Suspension, the student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent new infractions while on the open Deferred Suspension sanction, unless the Director of Community Standards & Civility determines otherwise in exceptional circumstances. Students on Deferred Suspension will be limited in their abilities to represent the University on any athletic team other than intramurals, hold an office in any registered student organization, represent the University in any extracurricular activity or official function, participate in the Greek Intake process, or participate in any study abroad program. Deferred Suspension may also include the denial of specific University privileges, including but not limited to, attendance at athletic functions and residence hall visitation for a designated period of time. The duration of any Deferred Suspension period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

• **Disciplinary Probation**- The loss, for a specified period of time, of designated social privileges which include, but are not limited to:

- a. Varsity sports
- b. Intramural sports
- c. Band(s) and choir(s)
- d. Cheerleading squad
- e. Fraternities and Sororities
- f. Participation in student organizations
- g. Serving in a leadership capacity in any student organization
- h. The right to represent the University in any specific activity
- i. Residency in University housing

• **Permanent Housing Revocation** - Means that the student(s) will not be allowed to live in any University-owned residence halls on the grounds of and affiliated grounds of Winston-Salem State University. If the student returns to the Institution due to being dismissed for conduct matters, the student will not be allowed to apply for housing for the duration of his or her academic tenure.

• **Temporary Housing Revocation** - Means that the student(s) will not be allowed to live in any University-owned residence halls on the grounds of and affiliated grounds of Winston-Salem State University for a documented period of time. If the student(s) is found to be violating the stipulation to the sanction, he or she's Temporary Housing Revocation will automatically be increased to Permanent Housing Revocation.

• **Deferred Housing Revocation**- Deferred Housing Revocation means that the student's housing contract will be officially revoked, but the revocation will be deferred, meaning that the student may continue to live in the selected residential hall, however, the revocation from the residential hall will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Director of Community Standards & Civility, Assistant Dean of Health, Wellness and Prevention, and/or Associate Provost/Vice-Chancellor for Student Development and Engagement determines otherwise in exceptional circumstances. Further violation of the policies can and will result in the permanent revocation of the student(s) housing privileges and the permanent cancelation of student(s) housing contract indefinitely. At which time student(s) will be removed from housing immediately, responsibly for all remaining charges/fines, and

responsible for securing housing off-campus. The duration of any Deferred Housing Revocation period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

- **Housing Probation**- An official notice provided in writing informing student(s) of the need to modify behavior to the Guide for Living on Campus and the terms set forth in the Housing Contract. Further violation of any policies can and will result in the revocation of student(s) housing privileges and the cancelation of student(s) housing contract. At which time student(s) will be removed from housing and responsible for securing housing off-campus.
- **Disciplinary Warning**- An official reprimand provided in writing that advises of a student's need to conform the student's behavior to the Code of Community Standards & Civility and further advises that any subsequent violation of the same nature by the student within a two (2) year period will automatically result in an increased sanction of Disciplinary Probation.
- **Mediation** - Used in place of traditional model code sanctioning methods when a resolvable dispute comes about. This method of resolving a dispute utilizes a verbal, face-to-face educational conversation amongst the party involved and the Hearing Officer. During the educational conversation, party or parties involved will have the ability to communicate about alleged incident and a recommended solution will be implemented. A notation of the educational conversation will be made within the electronic disciplinary file. All parties involved will be held to the verbal and written agreement. If any party violates the terms of the verbal and written agreement, he or she will have a pending "Failure to comply with University process" infraction from the Code of Community Standards & Civility, plus any additional infractions. The appropriate staff will also be notified of the verbal/written agreement. There are two forms of mediation: Alternative Dispute Resolution (when allegations stem from a Complainant party who wishes not to partake in violation resolution) and Complainant-Respondent/Respondent-Respondent Alternative Dispute Resolutions (the Complainant party chooses to resolve the dispute in an amicable manner or all parties involved are equally responsible for the violation). In either form of mediation, the dispute resolution will conclude with an attempt to reach agreement on steps the Respondent or Respondents will take to repair the harm suffered and in other ways to "make things right." Mediations may include the following but is not limited to: negotiated restitution, formal letter of apology, and/or public letter of apology. Settlements or dispute resolutions, may be considered in lieu of a formal hearing for minor violations (ex. verbal disputes, roommate disagreements) or for offenses where the sanction is not greater than a Disciplinary Warning. In those instances, the Director of Community Standards & Civility or university official assigned to this matter is authorized to select the above method for resolution.
- **Restitution**- Reimbursement of any cost incurred as a direct or indirect consequence of the student's violation of the Code of Community Standards & Civility.
- **Community Service**- Volunteer service to an on-campus or off-campus department, division, faculty or staff member for a specific number of hours within a specified period of time. Community Service could be sanctioned through numerous areas on-campus areas including but not limited to the Office of Career Services, the Office of Interpersonal Violence Prevention, and/or Housing & Residence Life.
- **No Contact Order**- A mutual "no contact" order is needed when instances of, including but not limited to, bullying, stalking, unwanted behavior takes place, etc. A No Contact Order means that all forms of communication needs to be severed until an amicable resolution between parties takes place. All parties

involved in the alleged infraction are directed to avoid contact with one other until the resolution is determined and lifted in writing. The mutual "no contact" order does not imply any judgment regarding the factual nature of the incident. However, both parties are to refrain from: 1. approaching one another at any time; 2. calling one another at any time; 3. sending messages or sub tweeting, via University email, personal email, internet sites (Facebook, Instagram, Twitter, SnapChat, Tumbler, etc.); 4. discussing the matter to third parties via face-to-face, electronic notifications, or through social media, 5. contacting or communicating with one another, through a third party, in any way at any time, and/or 6. using tactics of coercion or intimidation. Each No Contact Order may vary due to stipulations of each case and has to ability to be modified to encompass more/less stipulations.

- **Restorative Sanctions-** Includes specific and/or general reflective essays, participation in educational programming that addresses the violation, mentorships, creative sanctioning that helps to restore the harm done to the community or educate the student from a different perspective.

- **Strongly encouraged to attend University Counseling Center-** A referral to the University Counseling Center, can be for an assessment and/or counseling for substance abuse, anger management, psychological assessment, etc. If a student has been found responsible of alcohol or illegal substance usage, they can be "strongly encouraged" to attend counseling to gain a better understanding of their issues surrounding their usage.

- **University Counseling's Educational Programming-** A student who has an infraction associated with infractions pertaining to alcohol, controlled/illegal substances, disorderly conduct, and/or Title IX, can be sanctioned with having to complete an educational session via different electronic/physical programs (ex. Alcohol EDU program, e-Toke Marijuana Screening, e-Chug Alcohol Screening, Drug Education Class, Anger Management/Making Positive Choices Class, Interpersonal Violence & Prevention Class) sponsored through the University Counseling and Wellness Center, the Office of Community Standards & Civility, and the Office of Interpersonal Violence & Prevention, and the Office of Title IX/EEO).

Sanctions that may be imposed for Conduct Infractions of Recognized Organization Review Council are:

- **Withdrawal of University Recognition** - A specified or indefinite length of time in which university recognition is withdrawn. The organization and any semblance of its membership ceases to function at the university, is denied all benefits of university recognition, and no longer falls under the jurisdiction of the RORB. For the organization, or any semblance of its membership, to regain university recognition it may be asked to demonstrate evidence of organizational changes intended to eliminate the potential for repeated violations of this policy.

- **Suspension of Recognized Benefits** - A specific length of time in which the organization maintains university recognition but is denied one or more benefits of recognition which may include, but are not necessarily limited to, the following: use of university facilities, office space or property, and/or other specified benefits made available through recognition.

- **Social Limitation or Suspension** - A specific length of time in which the organization is denied formal or informal sponsorship of, or participation in, one or more of the following: social activities, formals, all-Greek or university events or activities, or any other event of a social nature.

- **Financial Restitution** - The repayment of the monetary value of damages, losses, or injuries within a specified period of time as a result of a violation of policy.
- **Probation** - A specified length of time in which repeated violations of any policy may result in increased sanctions against the organization; no additional sanctions are necessarily implied by the imposing of probation.
- **Mandatory Activity** - The required participation by the organization in specified group activity, service projects, educational programs, or other assignments.

XI. FILING AN APPEAL

A. Authority for Appeal

The State of North Carolina and the Board of Governors of the University of North Carolina System vest the authority for governance of students' conduct in the Chancellor. All decisions rendered under Code of Community Standards & Civility are subject to review and alteration by the Chancellor of the University or the Chancellor's designee. This policy provides appeal to the Board of Trustees from a decision by the Chancellor in the case of a suspension or expulsion. In accordance with The UNC Code of The Board of Governors Section 502D (3):

“In the discharge of the Chancellor’s duty with respect to matters of student discipline, it shall be the duty of the Chancellor to secure for 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 institution as approved by the Chancellor.”

Any individual in need of a reasonable accommodation on the basis of a disability to obtain an extension to the appeal timeframe due to that disability should submit a request to the Director of Disability Services at dds@wssu.edu, (336) 750-8658, or <https://www.wssu.edu/about/offices-and-departments/department-of-disability-services/index.html>.

The request must be submitted with at least 72-hour notice in order to allow time to secure resources appropriately and have all parties notified of the needed extension before appeal deadline. In those instances where the denial of any of these rights occur, it shall be the duty of the Chancellor to review the proceedings.

B. Appeal Procedure

1. INTERIM SUSPENSION, EXPULSION, SUSPENSION

Any student subject to Interim Suspension will be notified by the Director of Community Standards & Civility, in writing via hard copy and electronically, to the permanent/local address and the student’s WSSU University email address. Any student sanctioned to Expulsion or Suspension, will be notified by the Director of Community Standards & Civility, in writing via hard copy and electronically, to the permanent/local address and the student’s WSSU University email address.

- a. The Interim Suspension Letter shall state the charge, the intent to suspend the student on an interim basis effective immediately, and the opportunity for the student to respond in writing within twenty-four (24) hours of delivery of the letter. Notice shall be made to the student by electronic notification and hard copy delivery. Student shall follow the following process to appeal:
- 1) Respondent student(s) wishing to appeal an Interim Suspension must provide a written response, directed to the Dean of Health, Wellness, and Prevention (deanofstudents@wssu.edu), within twenty-four (24) hours of receipt of notice of intended suspension. Appeal can be submitted via email or hard copy, in person.
 - 2) Respondent student(s) will receive a written notification, submitted to his or her *rams.wssu.edu* University email account, from the Office of the Dean of Students, notifying the student of the decision to either uphold or lift the Interim Suspension sanction via electronic notification.
 - 3) If the Interim Suspension is lifted, the student will have his or her case reviewed and heard by the WSSU Community Standards & Civility Council.
 - 4) Recommendation of sanctioning will then be submitted to the Director of Community Standards & Civility and a decision letter will then be submitted from the Office of Community Standards & Civility detailing sanctioning, timeframes, contact information, and appeal deadlines.
- b. An Expulsion or Suspension Decision Letter shall state the charge, the intent to place the student on expulsion or suspension, and the opportunity for the student to appeal in writing within five (5) business days from date of the decision letter submission. A student can be sanctioned with Suspension or Expulsion from infractions adjudicated and recommended by the WSSU Community Standards & Civility Council or from having a new infraction while on an open Deferred Suspension sanction (warranting automatic suspension) by the Director of Community Standards & Civility.
- 1) Respondent student(s) wishing to appeal an expulsion or suspension must provide a written response, directed to the Assistant Dean of Health, Wellness and Prevention (studentconduct@wssu.edu), within five (5) calendar days of receipt of notice of intended expulsion or suspension.
 - 2) If Respondent student(s) wish to appeal, the sanction of expulsion or suspension will not be enacted until the appeal process is vetted through. However, all educational sanctions will remain implemented as the appeal process has matriculated through the system. Respondent student will receive an electronic notification as well as hard copy notification of appeal body's decision within the allotted timeframes.
 - 3) Note that the time frame of an incident within the academic year has to be taken into consideration as well as the safety of the University and urgency to sanction due to the nature of the infraction. For example: exam week, right before Christmas break, etc.

During an interim suspension, the student shall be denied access to residence halls and the campus (including classes), be denied from the residential hall and limited access to the University campus if placed on Modified Interim Suspension, and all other activities or privileges for which the student might otherwise be eligible. In the case of a classroom disruption charge, the student shall be denied access to the class that is the subject of the charge. Following the expedited hearing, the student may appeal a final decision on the merits of the case as set out below.

C. Lines of Appeal

Sanctioned with Interim Suspension/Expulsion/Suspension:

Sanctioned by Director of Community Standards & Civility > 5 calendar days to appeal to Assistant Dean of Health, Wellness, and Prevention > Dean of Health Wellness, and Prevention has 5 calendar days to respond > **Denied** > 5 calendar days to appeal to Associate Provost/Vice-Chancellor of Student Development and Engagement > Associate Provost/Vice-Chancellor of Student Development and Engagement has 5 calendar days to respond > **Denied** > 5 calendar days to appeal to Provost & Chief Academic Officer > Provost & Chief Academic Officer has 30 calendar days to respond > **Denied** > 5 calendar days to appeal to Board of Trustees (BOT) > Board of Trustees (BOT) has an unlimited timeframe to respond > **Denied** > 5 calendar days to appeal to Board of Governors > Board of Governors has an unlimited timeframe to respond > **STOPS**

Sanctioned with Deferred Suspension or lower sanctions (from the Office of Community Standards & Civility):

Sanctioned by Director of Community Standards & Civility > 5 calendar day to appeal to Assistant Dean of Health, Wellness and Prevention > Assistant Dean of Health, Wellness and Prevention has 5 calendar days to respond > **Denied** > 5 calendar days to appeal to Associate Provost/Vice-Chancellor of Student Development and Engagement > Associate Provost/Vice-Chancellor of Student Development and Engagement has 5 calendar days to respond > **STOPS**

Sanctioned with Deferred Suspension or lower sanctions (from Housing & Residence Life):

Sanctioned by Graduate Hall Director or Area Coordinator > 5 calendar days to appeal to the Assistant Director > Assist Director has 5 calendar days to respond > **Denied** > 5 calendar days to appeal to Director of Housing & Residence Life > Director of Housing & Residence Life has 5 calendar days to respond > **STOPS**

Sanctioned with Title IX Expulsion or Suspension:

1. Respondent and/or Complainant appeals are submitted to the Sexual Offenses Appeal Board (SOAB) which is comprised of a three-committee member board (faculty and staff).
2. The SOAB will review the case file and give a recommendation to the Associate Provost/Vice-Chancellor for Student Development and Engagement (VCSDE).
3. The VCSDE can then accept the recommendation or decline. The AP/VCSDE has five (5) calendar days to respond to the appeal.
4. Respondent and/or Complainant may appeal the AP/VCSDE's decision based on the appeal grounds stated above; Respondent and/or Complainant appeals to the Provost & Chief

Academic Officer or designee, for suspension or expulsion cases only. The Provost & Chief Academic Officer has thirty (30) calendar days to respond to the appeal.

5. Respondent and/or Complainant may appeal the Provost & Chief Academic Officer's decision based on the appeal grounds stated above; Respondent and/or Complainant appeals to the Board of Trustees (BOT) for suspension or expulsion cases only. Line of appeal for suspension cases stops here. BOT has not published a time frame by which it will respond to appeals.

6. Respondent and/or Complainant may appeal the BOT decision based on the appeal grounds stated above; Respondent and/or Complainant appeals to the BOG for expulsion cases only. BOG has not published a time frame by which it will respond to appeals.

Sanctioned with Title IX Deferred Suspension or lower sanctions:

1. Respondent and/or Complainant appeals are submitted to the Associate Provost/Vice-Chancellor of Student Development and Engagement. The AP/VCSDE has five (5) calendar days to review and make a recommendation to the Provost/Chief Academic Officer or designee.

2. The Provost/Chief Academic Officer or designee will then render a decision on the appeal. The Provost/Chief Academic Officer or designee's decision is final.

D. Grounds for Appeal

For behavioral infractions, appeals can only be submitted on the following grounds:

- Discrimination based on the student's membership in a protected class (race, creed, color, sex, identifies with the LGBTQ community, national origin, physical disability or age over 40) as defined by Executive Order 11246
- New, or newly discovered evidence previously unavailable
- Denial of due process and fair hearing, the presumption of innocence until found responsible, the right to know the evidence and to face witnesses testifying against the Respondent student, and the right to seek advisement and assistance from an Advisor or Licensed Attorney in the individual's defense is allowed under the regulations of the institution as approved by the Chancellor.
- Excessive or inappropriate sanctioning

The student must write a formal appeal which must state the sanction the student is appealing, one of the above grounds, and facts that support the appeal request. If the appeal does not contain all three it will be dismissed without further action. The student will receive, along with his or her decision letter, the appeal form to be completed. The appeal form along with all other supporting documents, must be submitted to the Office of Community Standards & Civility, in a sealed envelope within the five (5) business days allotted.

Title IX appeals shall be handled in accordance with the Resolution Procedures for Student Complaints of Sexual Harassment Sexual Violence. The Title IX Appeals grounds are the following:

- Discrimination based on the student's membership in a protected class (race, creed, color, sex, identifies with LGBTQ community, national origin, physical disability or age over 40) as defined by Executive Order 11246
- New or newly discovered evidence previously unavailable

- Denial of due process and fair hearing, the presumption of innocence until found responsible, the right to know the evidence and to face witnesses testifying against the Respondent student, and the right to seek advisement and assistance from an Advisor or Licensed Attorney in the individual's defense is allowed under the regulations of the institution as approved by the Chancellor.
- Excessive or inappropriate sanctioning

XII. MAINTENANCE OF VERBATIM RECORD

An electronic voice recording shall be made of each council hearing and shall be preserved and attached to the students' conduct file housed under the electronic conduct system under the Office of Community Standards & Civility. The verbatim record and any written record remains the property of the University and may be reviewed by the Respondent, by appointment, for the purposes of appeal or by the appeal body reviewing the decision and imposition of sanctions. A request for review of the verbatim record shall be made to the Director of Community Standards & Civility who shall be responsible for the maintenance of the verbatim record and all other hearing records.

XIII. BEHAVIORAL CONDUCT PROCEEDING RECORDS

All records concerning hearings of infractions to the Code of Community Standards & Civility shall be maintained by the Office of Community Standards & Civility. Medical, psychological, or other assessment related records and materials shall remain in the files of the agency professional responsible for assessment or counseling procedures and shall not be considered a part of the student's educational record. All student records shall be protected according to the provisions of the FERPA of 1974.

XIII. SPECIAL CASES

- Pursuant to the Campus Security Act and Title IX, in cases of alleged sexual assault, the complainant and the respondent are entitled to have the same opportunities to have others present during a disciplinary proceeding.
- Pursuant to the FERPA of 1974, victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged Respondent. Results mean the name of the student Respondent, the infractions committed, the essential findings supporting the resolution that the infraction was committed, the sanction(s), if any, imposed, the sanction(s) stipulations, and the date the sanction was implemented and concludes.
- When a student with a disability is charged with an infraction, the University shall assure that all requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act are met.

XV. INTERPRETATIONS AND REVISION:

Any question of interpretation regarding Code of Community Standards & Civility shall be referred to the Vice-Chancellor of Student Affairs or University Counsel for final determination. Code of Community Standards & Civility shall be reviewed annually under the direction of the Vice-Chancellor of Student Affairs and University Counsel.

Effective Date: This amended policy becomes effective upon approval by the BOT.

