

**PROPOSED REVISION TO:** POL 11.35.01 – Code of Student Conduct

**Rationale:** Updates to comply with EEO policy, technical corrections and clarification

**Consultation Process (provide date of review):**

- 5/1/18 General Counsel preliminary review
- 5/31/18 Thomas Hardiman, Director Student Conduct
- 6/4/18 VC Michael Mullen & Lisa Zapata, Senior Assoc VC
- 6/4/18 General Counsel final review, if changes have been made
- 6/12/18 Chancellor's Cabinet Meeting review/notification (*PRR Administrator will complete*)
- 8/13/18 University Council (notification), if applicable (*PRR Administrator will complete*)
- 7/19/18 Board of Trustees (approval/notification), if applicable (*PRR Administrator will complete*)

## **NC STATE UNIVERSITY**

### **Policies, Regulations and Rules**

Authority	<b>Board of Trustees</b>
Title	<b>Code of Student Conduct</b>
Classification	<b>POL11.35.01</b>
PRR Subject	<b>Student Discipline</b>
Contact Info	<b>Director, Office of Student Conduct (919-515-2963)</b>

**History:** First Issued: February 17, 1990. Last Revised: July 17, 2017.

#### **Related Policies:**

**[UNC Policy Manual 500.2 – Patent and Copyright Policies](#)**

**[UNC Policy Manual 700.4.1 - Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)**

**[UNC Policy Manual 700.4.2 - Policy on Student Conduct](#)**

**[UNC Policy Manual 700.4.3\[G\] - Guidelines on Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”](#)**

**[UNC Policy Manual 1300.1 – Illegal Drugs](#)**

**[NCSU POL04.20.05 - Illegal Drugs](#)**

**[NCSU POL04.25.05 - Equal Opportunity and Non-Discrimination Policy Statement](#)**

**[NCSU REG01.25.02 – Copyright Infringement – Policy Statement](#)**

**[NCSU REG01.25.03 - Copyright Regulation - Copyright Implementation Pursuant to Copyright Use and Ownership Policy of the University of North Carolina](#)**

**[NCSU REG04.05.02 - Campus/Workplace Violence Prevention and Management](#)**

**[NCSU REG08.00.02 – Computer Use Regulation](#)**

**[NCSU REG11.35.02 - Student Discipline Procedures](#)**

**[NCSU REG11.35.03 - Graduate Student Discipline Procedures](#)**

**[NCSU REG11.55.06 - Recognized Student Organizations within the Division of Academic and Student Affairs \(DASA\): Regulation for Undergraduate Student Leadership](#)**

**[NCSU REG11.55.07 – Registered Student Organizations: Regulation for Undergraduate Student Leadership, Membership, and Registration](#)**

#### **Additional References:**

**[NC Gen. Stat. § 14-269.2](#)**

**[NC Gen. Stat. § 143-166.1](#)**

**[NC Gen. Stat. § 90-86 through § 90-113.8](#)**

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## 1. INTRODUCTION

All students at North Carolina State University (NC State) are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the Code of Student Conduct and imposition of sanctions.

This Code of Student Conduct (Code) establishes the expectations for student conduct in the university community. The Code, therefore, proscribes the types of behavior that adversely affects the university community, and the resulting actions that may be taken to both educate students about behavioral expectations and to protect NC State's community. This Code and its accompanying regulation, NCSU REG 11.35.02 ([Student Discipline Procedures](#)) describe the process to be followed when a student has been charged with a violation of the Code.

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

## 2. DEFINITIONS

The terms defined in the Student Discipline Procedures (Procedures) shall have the same meaning when used in the Code and are incorporated here by reference.

## 3. AUTHORITY FOR STUDENT DISCIPLINE

The Chancellor has the authority to establish procedures and impose disciplinary action on a student or ~~student group/organization~~ [Student Group/Organization](#). The Chancellor may delegate such authority to University administrators or other officials.

## 4. DEFINITION OF MISCONDUCT

The definition of misconduct at NC State is set forth in this Code in order to give students general notice of prohibited conduct and is not designed to define misconduct in exhaustive terms.

## 5. SCOPE

### 5.1 Locations Covered

The Code applies to conduct that occurs on University ~~premises~~ [Premises](#), at University-sponsored activities, and to off-campus conduct (whether in NC, another state or a foreign country) that adversely affects the university community, its mission, programs, the pursuit of its objectives, or poses a serious risk of danger to, or disruption or interference with, a member of

the university community. The Vice Chancellor and Dean of Academic and Student Affairs shall determine whether the Code applies to off-campus conduct.

## 5.2 Persons Covered

The Code applies to all students as defined in the Procedures. The university may initiate a disciplinary action against a student alleged to have violated the Code or other applicable University policies, regulations or rules, or federal, state or local law regardless of the actions taken by civil or criminal authorities or private litigants. This code also applies to students outside a specific term, such as summer, and may cover [those](#) not currently enrolled but still eligible to seek a degree.

## 5.3 Violations of Law and Disciplinary Action

Students may be accountable to the university and/or to criminal or civil authorities for acts that constitute violations of law and of this Code. The university has the right to proceed with its disciplinary procedures regardless of whether a criminal investigation/charges are pending, and regardless of whether criminal charges involving the same incident have been dismissed, resolved, or reduced. However, a student who faces criminal charges [or is the subject of a criminal investigation](#) may choose to accept interim sanctions, which may include suspension and/or removal from University housing facilities, while the criminal proceeding is pending. The interim sanctions will be imposed by the Director without a hearing or ruling on the charges under the Code, in order to meet the needs of the campus community, but while protecting the ~~respondent~~ [Respondent](#) from creating a record that may be used against him or her in criminal court. Once the criminal matter has been adjudicated against a student (including prayer for judgment), the university's disciplinary process may proceed.

## 5.4 Student Groups or Organizations

5.4.1 A ~~student group/organization~~ [Student Group/Organization](#) and its officers may be held collectively or individually responsible for violations of the Code. Student groups/organizations may be charged with violations of the Code without regard to whether members of such groups/organizations are individually charged with violations arising from the same incident.

5.4.2 A position of leadership in a ~~student group/organization~~ [Student Group/Organization](#) comes with an expectation of responsibility. Student officers or leaders cannot knowingly permit, condone or acquiesce in any violation of the Code by the group/organization.

5.4.3 The officers or leaders or any identifiable representative for a ~~student group/organization~~ [Student Group/Organization](#) may be required by the Director to take appropriate action designed to address the violation of the Code or to prevent its recurrence by the ~~student group~~ [Student Group/](#) organization. Failure to comply with the Director's directive shall be considered a violation of the Code, both by the officers, leaders, or representative for the ~~student group~~ [Student Group/](#) organization and by the ~~student group/organization~~ [Student Group/Organization](#) itself.

## 5.5 Additional Standards

Students in certain categories may also be subject to other University behavioral standards. For example, students who are enrolled in the Graduate School, the College of Veterinary Medicine, student athletes, ROTC, or students who live in university housing may be subject to additional standards of behavior.

### 5.6 Howl for Help: Health and Safety Intervention

The university encourages students to engage in responsible bystander behaviors. In cases of intoxication, overdose, and/or alcohol poisoning, the university's primary concern is the health and safety of those involved. No student seeking medical treatment for an alcohol or other drug overdose will be charged with specific violations of the Code related to the possession and/or consumption of alcoholic beverages or drugs. For more information on this program, please visit: <https://alcohol.dasa.ncsu.edu/howl/>

## **6. STANDARDS OF CLASSROOM BEHAVIOR**

The primary responsibility for managing the classroom environment, whether in-person or online, rests with the faculty. Students who engage in any unlawful acts or behaviors which result in disruption of a class, may be directed by the faculty member or University Police to leave the class for the remainder of the class period. If a disruptive student refuses to leave when the faculty member tells him or her to do so, the faculty member should leave the classroom and call University Police to remove the student. This provision regarding classroom behavior is not to be used to punish students with differing academic interpretations of course content or viewpoint, but to address behavior that is disruptive within the educational environment, including impact to other students.

## **7. REPORTS OF MISCONDUCT**

7.1 Any person may report alleged misconduct by a student or a ~~student group/organization~~ [Student Group/Organization](#) to the Office of Student Conduct. Misconduct should be reported in as timely a manner as possible. Failure to report misconduct in a timely manner can affect the ability to gather the information needed to assess whether the conduct would constitute a violation of the Code and to support the filing of a charge pursuant to the Code. In some cases, a delay in reporting may result in no charges being filed against the student or ~~student group/organization~~ [Student Group/Organization](#).

~~7.2 Any person who reports possible misconduct by a student or a student group/organization is a "complainant," for purposes of initiating an investigation of the reported misconduct, however, a designated University official (who may or may not have been the original "complainant") serves as the "complainant" at any hearing.~~

~~7.3~~ ~~7.2~~ Misconduct by a student or a ~~student group/organization~~ [Student Group/Organization](#) occurring within university housing facilities should be reported to University Housing.

~~7.4~~ ~~7.3~~ Persons wishing to withdraw a report of misconduct against a student or ~~student group/organization~~ [Student Group/Organization](#) must do so in writing. The university

specifically reserves the right to pursue charges against a student or ~~student group/organization~~ [Student Group/Organization](#) for violations of the Code that threaten the safety or well-being of the campus community, constitute violent behavior as defined in [NCSU REG04.05.02 – Campus/Workplace Violence Prevention and Management](#), or any other behavior that adversely affects the university or its educational programs or mission.

## 8. ACADEMIC MISCONDUCT

All members of the University community, students, faculty and other employees, have the responsibility to report ~~academic misconduct~~ [Academic Misconduct](#) to the appropriate authority.

Faculty members must undertake a threshold responsibility for such traditional safeguards as examination security and proctoring and should clearly communicate their academic expectations in the course syllabus. The use of the Pack Pledge, “I have neither given nor received unauthorized aid on this test or assignment,” on all syllabi, assignments, examinations, or other academic evaluations is encouraged. Similarly, faculty members should familiarize themselves with the procedures for addressing ~~academic misconduct~~ [Academic Misconduct](#). The procedures for reporting ~~academic misconduct~~ [Academic Misconduct](#) can be found in [NCSU REG11.35.02 – Student Discipline Procedures](#).

Definitions regarding ~~academic misconduct~~ [Academic Misconduct](#) are set forth in writing in order to give students general notice of prohibited conduct. They should be read broadly and are not designed to define ~~academic misconduct~~ [Academic Misconduct](#) in exhaustive terms. Attempts to commit acts prohibited by the Code may also be addressed through the conduct process. If a student is in doubt regarding any matter relating to the standards of academic integrity in a given course or on a given assignment, that student must consult with the faculty member responsible for the course before presenting the work.

### 8.1 Aiding and Abetting

Aiding and abetting others to cheat or plagiarize is as detrimental to the scholarly community as engaging in the acts themselves. Aiding and abetting others to cheat or plagiarize includes, but is not limited to, the following:

- (a) Giving unauthorized assistance to another or others during a test or evaluation;
- (b) Posing as another student in order to meet a course or graduation requirement;
- (c) Providing specific information about a recently given test, examination, or assignment to a student who thereby gains an unfair advantage in an academic evaluation;
- (d) Providing aid to another person, knowing such aid is expressly prohibited by the faculty member, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic evaluation;
- (e) Permitting one’s academic work to be represented as the work of another; or

(f) Sharing or distributing academic materials, including class notes, in violation of the [UNC Policy Manual 500.2 – Patent and Copyright Policies](#) or [NCSU REG01.25.02 – Copyright Infringement – Policy Statement](#).

## 8.2 Cheating

Cheating is the giving, taking, or presenting of information or material by a student that unethically or fraudulently aids oneself or another person on any work which is to be considered in the determination of a grade or the completion of academic requirements or the enhancement of that student's record or ~~academic career~~ [Academic Career](#). Cheating includes, but is not limited, to the following actions:

- (a) Copying from someone else's assignment, examination, or other academic exercise;
- (b) Possessing, buying, selling, removing, receiving, or using, at any time or in any manner not prescribed by the faculty member, any information related to an instrument of academic evaluation;
- (c) Using materials, equipment, or assistance in connection with an assignment, examination, or other academic exercise which have not been authorized by the faculty member, including but not limited to, notes, calculator, or other technology;
- (d) Obtaining or attempting to obtain, in a dishonest manner, any material relating to a student's academic work;
- (e) Working with another or others in completing an assignment, examination, or other academic exercise when the faculty member has required independent and unaided action;
- (f) Attempting to influence or change an academic evaluation, grade, or record by unfair means;
- (g) Permitting another individual to substitute for one's self in an academic evaluation;
- (h) Marking or submitting an examination or evaluation material in a manner designed to deceive the grading system;
- (i) Failing to comply with a specific condition of academic integrity which has been clearly announced in a particular course;
- (j) Submitting, without prior permission of the faculty member, any work by a student which has at any time been submitted in identical or similar form by that student in fulfillment of any other academic requirement at any institution;
- (k) Submitting of material in whole or part for academic evaluation that has been prepared by another individual(s);

(l) Submitting data which have been altered or contrived in such a way as to be deliberately misleading; or

(m) Providing false information to the University in any manner to achieve an unfair advantage, enhance one's record, or complete a requirement.

### 8.3 Destruction or Removal of Academic Materials

The destruction or removal of academic materials denies access to, and prevents the ability to develop the full potential of, scholarly resources. Prohibited acts under this section include, but are not limited to, the following:

(a) Removing or attempting to remove, destroy, steal, or make inaccessible library or other academic material without authorization; or

(b) Willfully damaging the academic work or efforts of another.

### 8.4 Plagiarism

Plagiarism is the use or close imitation of the language and thoughts of another and the representation of the other's work as their own. The act of submitting work for evaluation or to meet a requirement is regarded as assurance that the work is the result of the student's own thought and study, produced without assistance, and stated in that student's own words, except as quotation marks, references, or footnotes acknowledge the use of other sources. Any ideas or materials taken from another source for either written or oral use must be fully and correctly acknowledged. Submission of work used previously must first be approved by the faculty member. Plagiarism includes, but is not limited, to the following actions:

(a) Representing the work of others as his or her own; or

(b) Submitting written materials without proper attribution or acknowledgment of the source.

## **9. SANCTIONS FOR ACADEMIC MISCONDUCT**

Sanctions for ~~academic misconduct~~ [Academic 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 responsible for a violation;

(b) Serve as a clear statement about University standards and expectations;

(c) Educate students on the effects of their behavior; and

(d) Attempt to affect a change in that 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~~ [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.

### 9.1 Academic Integrity Probation

A student found responsible for ~~academic misconduct~~ [Academic Misconduct](#) may be placed on academic integrity probation for the remainder of the student's ~~academic career~~ [Academic Career](#). In addition, one or more of the sanctions listed below may be imposed.

### 9.2 Reduction in Grade

A reduction in grade on the assignment, examination, or academic exercise on which the violation occurred.

### 9.3 No Credit

No credit on the assignment, examination, or academic exercise on which the violation occurred, and/or no credit for the course.

### 9.4 Educational Exercises

Participation in an educational exercise regarding academic integrity.

### 9.5 Suspension

Suspension is a separation from the university for a specified period of time, after which the student may be eligible to return. While suspended, the student shall not participate in any ~~University-sponsored activity~~ [University-Sponsored Activity](#) and will be trespassing from University property. Exceptions to this trespass may be granted by the Director ~~of the~~ Office of Student Conduct based on the written petition of the student and for good cause. In cases where the student will complete graduation requirement during the current semester, suspension is to take effect immediately. In addition, graduating students may have a disciplinary notation placed on their transcript or have their transcript withheld for the period of the suspension. In cases where a student will complete graduation requirements in either summer session I or II, the suspension period will include both summer sessions. Notations of the suspension will appear on the student's transcript. Suspension notations on transcripts may be removed at a later date upon student petition to the Vice Chancellor and Dean of Academic and Student Affairs. However, a disciplinary file indicating suspension will be maintained by the Office of Student Conduct on a permanent basis. The student's name will be included in the UNC system database for suspended/expelled students.

### 9.6 Expulsion

Expulsion may be imposed in the most severe cases of ~~academic misconduct~~[Academic Misconduct](#). Expulsion is a recommendation that must be approved by the Vice Chancellor and Dean of Academic and Student Affairs and is the permanent separation of the student from the university, unless at a later date the Chancellor concludes on the basis of the former student's petition and any supportive documentation that he or she should be approved for reinstatement at NC State. When expelled, the student shall no longer participate in any ~~University-sponsored activity~~[University-Sponsored Activity](#) and will be trespassed from University ~~premises~~[Premises](#). A disciplinary file indicating expulsion will be maintained by the Office of Student Conduct on a permanent basis and will result in a permanent transcript notation. The student's name will be included in the UNC system database for suspended/expelled students. Expulsion precludes enrollment at any UNC constituent institution.

### 9.7 Additional Sanctions

Additional sanctions not listed above may be imposed. These include, but are not limited to, ~~required counseling~~[behavioral assessments](#), research and reflective writing assignments, as well as other non-academic sanctions listed in the Code. For graduate students, in addition to the sanctions imposed above, other sanctions may apply if the Dean of the Graduate School or the Dean of the College of Veterinary Medicine, as applicable, determines that the graduate student is subject to the policies and procedures established for the Graduate School or the College of Veterinary Medicine.

## **10. NON-ACADEMIC MISCONDUCT**

Behavior that is subject to disciplinary action under the Code includes alleged violations of federal, state or local law that threaten the safety or well-being of the campus community, any act that constitutes violent behavior as defined in [NCSU REG04.05.02 – Campus/Workplace Violence Prevention and Management](#), and any other behavior that adversely affects the University or its educational programs or mission. Attempts to commit acts prohibited by the Code may also be addressed through the conduct process. All members of the university community, students, faculty and other employees, have the responsibility to report ~~non-academic misconduct~~[non-Academic Misconduct](#).

Examples of behavior that will be subject to disciplinary action include:

### 10.1 Alcohol Violations

- (a) Possession and/or consumption of alcoholic beverages by a person under the age of 21;
- (b) Possession or consumption of any alcohol beverage inside any University Athletic facility except on such occasions as designated by the Chancellor;
- (c) Aiding and abetting the possession and/or consumption of alcoholic beverages by a person who is under the age of 21;

(d) Consumption of any alcoholic beverages where it is not legally permissible to do so, regardless of age;

(e) Any other violations of [NCSU POL 04.20.02 – Alcohol Policy](#); or

(f) Conduct that could form the basis of any charge relating to a violation of North Carolina laws regarding the purchase, possession, manufacture, and consumption of alcoholic beverages or driving while under the influence.

### 10.2 Computer and Network Abuse

(a) Theft or misuse of University Information Technology Resources (IT) or State Property, including violations of [NCSU REG08.00.02 – Computer Use Regulation](#);

(b) Violation of [NCSU REG01.25.02 – Copyright Infringement – Policy Statement](#);

(c) Unauthorized entry into or transfer of an electronic file;

(d) Use of another person's computing identification and/or password without authorization or permission;

(e) Use of University IT Resources to interfere with the work of another student, faculty member, or other NC State employee;

(f) Use of University IT Resources to send obscene or harassing messages; or

(g) Use of University IT Resources to interfere with normal operations of the NC State computing system.

### 10.3 Creating a Safety Hazard

Any act that intentionally or recklessly creates a safety hazard, including but not limited to:

(a) Starting or attempting to start a fire or failing to exit a building when a fire alarm is sounded;

(b) Tampering with or misusing fire and/or other life safety equipment, including fire alarms, closed circuit televisions, or elevators;

(c) Failing to comply with campus traffic laws while on a pedestrian conveyance (bicycle, skateboard, scooter, etc.); or

(d) Throwing objects from an elevated position in the direction of persons below.

### 10.4 Damage to Property

Engaging in an act that intentionally or recklessly damages, destroys, or defaces property of the university or another.

### 10.5 Disorderly Conduct

(a) Engaging in conduct that disrupts class including, but not limited to, the use of cell phones or other electronic devices for voice or text communication, unless permitted by the faculty member;

(b) Conduct that disrupts, interrupts or attempts to force the cancellation of any ~~University-sponsored activity~~ University-Sponsored Activity or authorized non-University activity, including educational activities, meetings, ceremonies, scheduled events, essential University processes, and authorized solicitation activities;

(c) Obstruction that unreasonably interferes with freedom of movement or safe passage, either pedestrian or vehicular, on University ~~premises~~ Premises;

(d) Conduct that is lewd or indecent; or

(e) Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress.

### 10.6 Disruption of the Student Conduct Process

(a) Attempting to discourage an individual's proper participation in, or use of, the conduct system;

(b) Attempting to influence the impartiality of the ~~hearing officer~~ Hearing Officer, conduct board member, or appeal administrator;

(c) Harassment and/or intimidation of a ~~hearing officer~~ Hearing Officer, conduct board member, or appeal administrator prior to, during, and/or after a student conduct proceeding; or

(d) Influencing or attempting to influence another person to commit an abuse of the conduct system.

### 10.7 Drug Violations

(a) Illegal possession or use of controlled substances as defined by the North Carolina General Statutes § 90-86 through § 90-113.8;

(b) Manufacturing, selling, or delivering any controlled substance or possession with intent to manufacture, sell or deliver any controlled substance;

(c) Misuse of any legal pharmaceutical drugs;

(d) Knowingly breathe or inhale any substance for the unlawful purpose of inducing a condition of intoxication; or

(e) Possession of drug-related paraphernalia, including but not limited to, all equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of 10.7(a) of this Policy or [NCSU POL04.20.05 – Illegal Drugs](#).

Further information regarding drug violations is discussed in [NCSU POL04.20.05 – Illegal Drugs](#) and through [UNC Policy Manual 1300.1 – Illegal Drugs](#).

### 10.8 Failure to Comply

(a) Failing to comply with the directions of University employees, including University Police in performance of their duties;

(b) Failing to submit identification upon request to duly authorized and properly identified University officials; or

(c) Failing to comply with the sanctions imposed under this Code.

### 10.9 Fireworks

Unauthorized possession or use of fireworks or explosive device on University ~~premises~~[Premises](#).

### 10.10 Hazing

Any activity related to organizational membership or potential membership that intentionally, recklessly, or negligently humiliates, degrades, abuses, or otherwise creates a risk of mental or physical harm or discomfort, or unreasonably interferes with a student's academic activities or successes. Consent or lack of intent are not defenses to charges under this Section.

### 10.11 Harassment and Discrimination

(a) No student shall threaten, coerce, [harass](#), or intimidate another person or identifiable group of persons, ~~based upon membership in a protected class as prescribed~~ [in a manner that is unlawful or in violation of any 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 NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy); ~~or~~.

(b) No student shall engage in [unlawful discrimination or harassment](#) as defined by NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy). [Unlawful harassment includes conduct that creates a hostile environment in that it is directed toward a particular person or persons, based in whole or in part upon any of the protected statuses included in NCSU POL 04.25.05 \(Equal Opportunity and Non-Discrimination Policy\), unwelcome, severe or pervasive, objectively offensive, and so unreasonably interferes with the target person's academic pursuits](#)

or participation in University-Sponsored Activities as to effectively deny equal access to the University's resources and opportunities. Charges of sexual harassment are covered separately under ~~section~~ sections 10.14 and 10.15 of this policy.

In determining whether conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from the Office of General Counsel and the Office of Institutional Equity and Diversity, as appropriate.

### 10.12 Infliction or Threat of Bodily Harm

- (a) Inflicting physical injury upon another;
- (b) Placing another in fear of, or at risk of, physical injury or danger; or
- (c) Intentionally or recklessly acting in a manner that creates a substantial risk of bodily harm to another.

### 10.13 Providing False Information

- (a) Intentionally initiating or causing to be initiated any known false report, warning or threat of fire, explosion or other emergency;
- (b) Forgery, alteration, or misuse of any University document, records, or instrument of identification;
- (c) Furnishing false information, oral or written, to any University official, faculty or staff member, or office; or
- (d) Possession or use of an instrument of identification that is not one's own or is fictitious or altered.

### 10.14 Relationship or Interpersonal Violence

Relationship or interpersonal violence includes Dating Violence, Domestic Violence, and Stalking. Relationship or interpersonal violence occurs when one person in a social relationship of a romantic or an intimate nature uses abuse to maintain power over a partner. Abusive behaviors can be physical or emotional, including but not limited to, threats of self-harm or [hard harm](#) to others, pervasive and derogatory name calling, belittling, isolation, engaging in sexual acts while in a dating or domestic relationship when one of the individuals does not consent.

(a) *Dating Violence* is conduct arising out of a social, personal, romantic or intimate relationship or a dating relationship that: ~~inflicts physical injury upon another person; or is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.~~ (b) *Domestic Violence* is conduct arising out of a personal, romantic or intimate relationship where the parties are current or former spouses, persons who live together or have lived together, have child in common, are current or former household members that: ~~inflicts physical injury upon person fitting this definition; or is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.~~

(b) *Domestic Violence* is conduct that arises out of a personal, romantic or intimate relationship where the parties are current or former spouses, persons who live together or have lived together.

persons who have one or more children in common, or are current or former household members, and inflicts physical injury upon a party to the relationship or shows a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.

(c) *Stalking* is engaging in a ~~course-of-conduct~~ Course of Conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to feel fear for their safety or safety of others or suffer substantial emotional distress. Stalking, including cyber stalking, may include, for example, non-consensual communication, including in-person communication or contact, surveillance, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on ~~web sites~~ websites, written letters, gifts or any other communications that are undesired and/or place another person in fear of, or at risk of, physical injury or danger.

### 10.15 Sexual Misconduct

Sexual Misconduct includes:

(a) Sexual Harassment, as defined in NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy). Sexual harassment may include, for example, unwelcome sexual advances and sexual favors. Sexual harassment also includes any acts of sexual violence.

(b) Sexual Exploitation, which is taking sexual advantage of another person without ~~eonsent~~ Consent, and includes, but is not limited to, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over the other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; voyeurism and indecent exposure, and other sexual offenses, and allowing third parties to observe private sexual acts.

(c) Sexual Contact (without ~~eonsent~~ Consent), which is the intentional touching of a person's intimate parts (including genitalia, groin, breast or buttocks or clothing covering any of those areas); or the deliberate touching of another person with one's intimate parts; or using force to cause a person to touch his/her own or another person's intimate parts.

(d) Sexual Intercourse (without ~~eonsent~~ Consent), which is the penetration (anal, oral or vaginal) of a person by a penis, tongue, finger or an inanimate object; or

(e) Retaliation (including threats, harassment, intimidation, coercion) against a person because he/she filed a complaint alleging sexual misconduct, relationship or interpersonal violence, ~~including~~ dating violence, domestic violence, or stalking or participated in an investigation or procedure involving charges of sexual misconduct, relationship or interpersonal violence, ~~including~~ dating violence, domestic violence, or stalking.

### 10.16 Theft

- (a) Stealing or attempting to steal another's property, money or services;
- (b) Knowingly possessing, purchasing, or exchanging stolen or embezzled property, money or services;
- (c) Unauthorized use or access to private or confidential information in any medium; or
- (d) Unauthorized possession, duplication, or use of keys or card access to any University ~~premises~~Premises.

### 10.17 Trespass

Unauthorized entry to University ~~premises~~Premises, including intruding upon, forcibly entering, or otherwise proceeding into unauthorized areas of University ~~premises~~Premises, or the residential space of another without permission.

See [NCSU REG 04.05.01 – Trespassing on University Property](#).

### 10.18 Unauthorized Use of Property

Attempted or actual use of property of NC State, property of a University community member, or other personal or public property without proper authorization, or in a manner for which the property was not intended.

### 10.19 Violation of University Policies, Regulations, or Rules

Violation of any written policies, regulations, or rules of the University, as adopted by the university and as may be amended from time to time.

### 10.20 Weapons

- (a) Illegal or unauthorized possession of ~~weapons~~Weapons on University ~~premises~~Premises or at University-sponsored activities; or
- (b) Possession or use of ~~weapons~~Weapons in any manner that harms, threatens, or causes fear to others.

## **11. SANCTIONS**

Sanctions in this section 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 responsible for a violation;

- (b) Serve as a clear statement about University standards and expectations;
- (c) Educate students on the effects of their behavior; and
- (d) Attempt to affect a change in that behavior in the future.

Misconduct that involves substantial theft or fraud, significant physical, emotional, or mental damage to a person, significant property damage, Harassment, Sexual Misconduct, Relationship or Interpersonal Violence, including Dating Violence, Domestic Violence, and Stalking, or actions that create a substantial risk of bodily harm may result in suspension or expulsion from the university. Sanctions for drug-related misconduct are governed by [NCSU POL04.20.05 – Illegal Drugs](#).

Mitigating or aggravating factors or circumstances affecting sanctions shall be considered prior to imposing a sanction. Factors to be considered may include, but are not limited to: [the nature of the misconduct](#), a student's demonstration of insight for his or her ~~misconduct~~ [conduct](#), present demeanor and attitude, past disciplinary record of the student, [the importance of the equitable treatment for similar offenses](#), community service or assistance related to the misconduct, the ~~nature of the misconduct, as well as the~~ degree of any damage, injury, or harm resulting from ~~the~~ [the misconduct, and other appropriate circumstances](#).

The Office of Student Conduct may upon initial review of the charges and accompanying narrative determine whether, if proved, the misconduct could result in sanctions of suspension or expulsion and schedule a hearing accordingly.

One or more of the sanctions listed below may be imposed for ~~non-academic misconduct~~ [non-Academic Misconduct](#):

### 11.1 Written Warning

A Written Warning is a disciplinary reprimand that serves as notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary actions.

### 11.2 Disciplinary Probation

Disciplinary Probation is a pre-suspension status. A student may be placed on disciplinary probation for a period no less than the remainder of the current semester up to the remainder of his or her ~~academic career~~ [Academic Career](#). If found responsible for a violation while on disciplinary probation, a student may face more severe sanctions up to and including suspension or expulsion.

### 11.3 Suspension

Suspension is a separation from the university for a specified period of time after which the student may be eligible to return. While suspended, the student shall not participate in any ~~University sponsored activity~~ [University-Sponsored Activity](#) and will be trespassed from

University ~~premises~~[Premises](#). Exceptions to this trespass may be granted by the Director, Office of Student Conduct based on the written petition of the student and for good cause. The student's name will be included in the UNC System database for suspended/expelled students. In cases where the student will complete graduation requirement during the current semester, suspension is to take effect immediately. In addition, graduating students may have a disciplinary notation placed on their transcript or have their transcript withheld for the period of the suspension. In cases where a student will complete graduation requirements in either summer session I or II, the suspension period will include both summer sessions. Notations of the suspension will appear on the student's transcript. Suspension notations on transcripts may be removed at a later date upon student petition to the Vice Chancellor and Dean of Academic and Student Affairs. However, a disciplinary file indicating suspension will be maintained by the Office of Student Conduct on a permanent basis.

#### 11.4 Expulsion

Expulsion is a recommendation that must be approved by the Vice Chancellor and Dean of Academic and Student Affairs and is a permanent separation of the student from the university, unless at a later date the Chancellor concludes on the basis of the former student's petition and any supportive documentation that he or she should be approved for reinstatement at NC State. When expelled, the student shall no longer participate in any ~~University-sponsored activity~~ [University-Sponsored Activity](#) and will be trespassed from University ~~premises~~[Premises](#). A disciplinary file indicating expulsion will be maintained by the Office of Student Conduct and will result in a permanent transcript notation. The student's name will be included in the UNC System database for suspended/expelled students. Expulsion precludes enrollment at any UNC constituent institution.

#### 11.5 Removal from University Housing

Residents of University housing facilities found responsible for violations of this code may be removed from University housing facilities. Removal from University housing facilities may be for a period no less than the remainder of the current semester up to the remainder of the student's ~~academic career~~[Academic Career](#). The duration of any removal and/or trespass from University housing facilities is at the discretion of the Director, ~~of~~[of](#) University Housing. All costs incidental to the removal from the University housing facility are the responsibility of the student. Students subject to removal from a University housing facility will be trespassed from entering all University housing facilities. Exceptions to this trespass may be granted by the Director, ~~of~~[of](#) University Housing based on the written petition of the student and for good cause.

#### 11.6 Restriction of Privileges

Restriction of privileges may be applied when the student's violation(s) are related to the benefit that one receives as a student at NC State. Examples of privileges that may be restricted include, but are not limited to: attendance at University athletic events, use of Carmichael Complex, visitation in University housing facilities, or participation in intercollegiate athletic events. Some exceptions may be made to ensure access to primary University services such as food services, health care, or academic resources.

### 11.7 Additional Sanctions

Additional sanctions not specifically listed above may be imposed. Such sanctions, where appropriate, may include but are not limited to: service or research projects, ~~required~~ ~~counseling~~ reflective writing assignments, behavioral assessments, participation in special educational programs, restitution for damage to or destruction of property, relocation to another room or residence with coordination of appropriate University staff, behavioral contracts, trespass or no contact orders, etc. Additional group or organizational sanctions may include revocation or denial of registration or recognition.

## **12. INTERIM ACTIONS**

In certain circumstances, NC State may take one or more interim actions to safeguard the university community before a student conduct process begins or is completed. These interim actions may be imposed effective immediately, without prior notice, when, in the university's judgment, there is a need to implement an individualized response based on the ~~status of the student, the~~ seriousness of the alleged violation(s) of the Code and/or the potential for an ongoing threat or disruption to the University community. The university may take interim actions as follows:

### 12.1 Extraordinary Measure: Interim Suspension

An extraordinary measure in the form of an interim suspension is a diversion from the regular disciplinary process, but may be necessary to ensure the safety and well-being of the campus community. Students subjected to an interim suspension will be accorded a hearing as provided for in the Procedures.

12.1.1 A student may be suspended on an interim basis, if the student:

- (a) Poses an ongoing threat of disruption of, or interference with, the normal operations of the university;
- (b) Poses a threat of causing physical harm to others or of placing others in fear of imminent danger;
- (c) Poses a threat of causing significant property damage;
- (d) Threatens the safety or well-being of the campus community;
- (e) Has been ~~charged with a violation of~~ alleged to have violated [NCSU POL04.20.05 – Illegal Drugs](#); or
- (f) Has been ~~charged with~~ alleged to have violated university policy regarding Sexual Misconduct, Relationship or Interpersonal Violence, including Dating Violence, Domestic Violence and Stalking, and there is a need to separate the ~~respondent~~ Respondent from campus.

## 12.2 Other Interim Actions

The university may take interim actions other than suspension to ensure the safety and well-being of the campus community including, but not limited to, “no contact” orders, relocation in University housing facilities, registration holds, and adjustments to class schedules. Any interim actions taken may not be used as evidence to support charges under the Code.

## **13. INTERPRETATIONS AND REVIEW**

13.1 Any question of interpretation or application of the Code will be referred to the Vice Chancellor and Dean of Academic and Student Affairs for final determination.

13.2 The Code shall be reviewed every three (3) years under the direction of the Director and in consultation with other campus units as appropriate.