

CODE OF STUDENT LIFE

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ODOS - Empowering Student Success

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WELCOME LETTER

Dear Students,

Welcome to the University of North Carolina Wilmington! You have made an excellent choice by selecting UNCW as the place to achieve your college education. At this world class university, you will experience a top notch faculty intent on conveying their knowledge and expertise to help you learn in a dynamic and highly applied and experiential manner, and a staff who are committed to helping you learn and grow outside the classroom in order to develop a broad range of competencies and leadership skills. You will experience these caring educators in state-of-the-art facilities designed to maximize your focus on learning and developing the skills you need to be successful after college. As a partner in the learning process, we will challenge you to make the most of your UNCW journey. This means taking advantage of your learning opportunities, pushing yourself to your creative limits, and experiencing things that are unfamiliar to you. By all accounts, your college experience should stretch you in new ways, and be highly transformative in nature. You will leave UNCW not just with a degree, but with the ability to be a leader in your chosen profession. As with any opportunity, you will also carry the responsibility of being a citizen in this community where treating yourself and others with the highest dignity and respect is a foundational expectation. Get familiar with the holistic wellness model Healthy Hawks, which will help develop your mind, body and spirit. UNCW is a special place where community members are open to helping each other, to learning from and with each other, and where honesty and accountability are primary character traits. Be passionate about your convictions but be compassionate about the convictions of your peers even when they stand in direct contrast to your beliefs. The college environment is society's finest marketplace of free exchange of ideas and thoughts, a value we hope you will share and defend as a member of the Seahawk nation. Finally, we want to make clear that UNCW is a community where all members are afforded the highest levels of dignity and respect. Be kind to yourself and to all others and practice the tenets of the Seahawk Respect Compact. If you break a rule, we encourage you to be forthright, honest, and reflective about your decisions. College at times will be about making mistakes, but also reflecting on them so learning and growth occurs. We look forward to your active engagement in the UNCW community and hope you will rely on the UNCW team to assist you at any point along your journey.

With Seahawk Pride,

Dr. Mike Walker

Associate Vice Chancellor for Student Affairs / Dean of Students

STATEMENT OF ACADEMIC EXPECTATIONS FOR STUDENTS

In choosing UNCW, you have become part of our community of scholars. We recognize that the UNCW learning experience is challenging and requires hard work. It also requires a commitment to make time available to do that hard work. The university expects you to make academics your highest priority by dedicating your time and energy to training your mind and acquiring knowledge. Academic success in critical thinking and problem solving prepares you for the changes and challenges you will encounter in the future. Our faculty and academic support resources are readily available as partners in this effort, but the primary responsibility for learning is yours.

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES WITHIN THE CONDUCT PROCESS

The University of North Carolina at Wilmington is committed to providing appropriate accommodations to students with disabilities to ensure that all students have equal access to all College programs and services, including the student conduct process. This includes accommodations provided under the Americans with Disabilities Act (as amended) and related regulations. All students with disabilities who are involved in the student conduct process, including complainants, respondents, supporters, and witnesses may seek accommodations for any stage of the student conduct process, including conduct and honor board hearings community review board hearings, administrative hearings, investigations, and any pre- or post-hearing meetings.

Students with accommodation requests must register with the Disability Resource Center and qualify as student with a disability. Students will be held accountable for making any request in a timely fashion. UNCW may not be able to provide an accommodation which is not requested with reasonable advanced notice before the accommodation is needed to allow time for review and implementation. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the student conduct process.

The DRC may consult with the conduct office representative to determine, based on appropriate legal standards and UNCW policy, what accommodation, if any, may be appropriate. All students are required to comply with the Code of student Life and all accommodations will be determined based on need to access the conduct process, not to retroactively dismiss conduct violations. Accommodations cannot be applied retroactively; students must arrange for accommodations in advance.

REAFFIRMATION OF COMMITMENT TO EQUAL EDUCATIONAL AND EMPLOYMENT OPPORTUNITY

At the University of North Carolina at Wilmington (UNCW), our culture reflects our values of inclusion, diversity, globalization, ethics, integrity, and innovation, and we are committed to providing equality of educational and employment opportunity for all persons without regard to race, sex (such as gender, gender identity, marital status, childbirth, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. UNCW believes that embracing the unique contributions of our faculty, staff and students is critical to our success and paramount in being recognized for our global mindset. This Policy prohibits all forms of discrimination based on a person's protected status as established by the laws listed below.

This affirmation is published in accordance with 41 CFR Part 60 and is implemented in accordance with the following laws and their amendments: Title IV, VI, VII of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; Title II of the Genetic Information Non Discrimination Act of 2008; Age Discrimination in Employment Act; Age Discrimination Act of 1975; Equal Pay Act of 1963; Section 504 of the Rehabilitation Act of 1973; Executive Order 11246; Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; Violence Against Women Act; Vietnam Era Veterans' Readjustment Act; the Civil Rights Restoration Act of 1988; The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime and N.C. General Statutes Chapters 116, 126, 127B, and 168A.

To ensure that equal educational and employment opportunity exists throughout the university, a variety of diversity and inclusion efforts and a results-oriented equal opportunity/affirmative action program have been implemented to overcome the effects of past discrimination, enhance our culture and to eliminate barriers to educational or employment opportunities for all qualified individuals. Copies of the equal opportunity/affirmative action program are available for review upon request in the Human Resources Department M-F, between 8:30 a.m. to 4:30 p.m. The University of North Carolina at Wilmington is committed this program and is aware that, with its implementation, positive benefits will be received from greater utilization and development of a diverse and inclusive environment.

STATEMENT ON DIVERSITY AND INCLUSION IN THE UNIVERSITY COMMUNITY

“Diversity” means the ways in which individuals vary, including, but not limited to, backgrounds, personal characteristics, ideas, beliefs, cultures, and traditions that distinguish one individual or group from another, which may include, but are not limited to, Federal, State, University, and constituent institution protected classes. “Inclusion” means the enablement of individuals, including those from underrepresented groups, to fully and equitably have access to, and participate in, the University’s programs, services, facilities, and institutional life. “Diversity and Inclusion (D&I)” collectively means the intentional efforts undertaken to create an institutional culture and a working and learning environment that offers acceptance, support, and respect for a diversity of individuals as they pursue their academic, research, and professional ambitions and interests.

UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION

The University of North Carolina at Wilmington affirms that students and employees are entitled to an educational and employment environment free from unlawful harassment or discrimination based on that individual’s race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. Further, no student or employee shall be subject to retaliation for bringing a good faith complaint pertaining to unlawful harassment or discrimination or for protesting such behavior directed against another member of the university community.

For more information concerning ways in which our multicultural learning community may be nurtured and protected or complaint resolution procedures, contact the Office of Institutional Diversity and Inclusion, the Office of the Dean of Students, the Office of Academic Affairs, or the Office of Human Resources.

PREFACE

The UNCW Code of Student Life outlines the rights and responsibilities and expected levels of conduct of students on and off campus. The purpose of the rules herein is to prevent abuse of the rights of others and to maintain an atmosphere in the university community appropriate for an institution of higher learning. Sections in the UNCW Code of Student Life cover academic concerns (grievances and standards) and student conduct and appeals.

Rules included in the UNCW Code of Student Life are subject to amendment or revision. Any member of the university community may submit proposed amendments or revisions to the vice chancellor for student affairs. The vice chancellor for student affairs may also ask the Committee on Student Matters, a standing advisory committee of the Faculty Senate, to make recommendations. All substantive changes are reviewed in consultation with the General Counsel and the chancellor is informed accordingly.

Students at the University of North Carolina Wilmington are subject to, and enjoy the protections of, the Constitution and laws of the United States and of North Carolina, as well as the Code of the Board of Governors of the University of North Carolina and relevant policies of the Board of Governors and of the Board of Trustees of the University of North Carolina Wilmington. This UNCW Code of Student Life is interpreted by reference to these sources of law and guidance.

SECTIONS

II-1 STUDENT STANDARDS OF CONDUCT

Students share in the responsibility for maintaining an environment in which the rights of each member of the UNCW community are respected. When asked to report to any university office, a student is expected to appear at the time specified or to arrange another appointment. The university conduct system is a cumulative process; consequently, any student found responsible for violating the *UNCW Code of Student Life* may expect a more significant sanction in relation to the severity of the offense(s) and/or in relation to being found responsible on multiple occasions. All students and their guests shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, and freedom of each member of the academic community are respected.

In accordance with the Family Educational Rights and Privacy Act (FERPA), upon full participation in university orientation, an individual is considered a UNCW student in attendance and shall maintain that status unless an official university withdrawal is submitted. Students with pending academic or non-academic charges will not be allowed to formally withdraw from the university until the disciplinary process has been completed.

The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate time, place, and manner of exercising these and other constitutionally protected rights. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in violation of the *UNCW Code of Student Life* and imposition of student discipline.

All individuals who participate in a university conduct process are expected to be honest and forthcoming during their presentation of information and while answering any questions. If it is discovered that a student has not been completely honest during their testimony, the student may be charged with a violation of the *UNCW Code of Student Life* .

Additionally, harassment or intimidation of any individual before, during, or after a university conduct process will not be tolerated. Any student who exhibits such behavior before, during, or after a university conduct process may be charged with a violation of the *UNCW Code of Student Life* . Any non-student who exhibits such behavior will be removed from the area where the proceedings are being conducted.

Program-specific regulations and policies, including professional standards, may apply to students beyond those outlined in the *UNCW Code of Student Life* . Nothing in the *Code* prohibits academic programs from pursuing additional review and action related to their professional standards.

A. OFF-CAMPUS RELATIONSHIP STATEMENT

The mission of the university is teaching, research and service. Inherent in this mission is the responsibility of the university to educate its students to be responsible, civic-minded citizens. As a university, we value our relationship with the

surrounding community and realize we have a tremendous social, cultural and economic impact on the greater Wilmington community.

Policy setting and enforcement are ways of educating students. In fulfilling our responsibilities to hold students and student organizations accountable and provide a safe community, the university is guided by state and federal laws. Our students are citizens subject to the rights as well as the responsibilities of community living.

If individual students or student organizations are identified and cited by staff, faculty or other students for violating state or federal law and/or university policies off campus, they may be subject to the conduct process described herein and/or appropriate legal action.

If individual students are identified and reported by community members for breaking the law, the university supports appropriate law enforcement officials taking necessary judicial action. If students or student organizations are reported to university officials, the university may intervene on an informal basis. "Informal" intervention will involve individual student(s) or student organization leader(s) being referred to the dean of students for discussion of the incident.

As stated in UNC Policy Manual 700.1.1, "students cited or arrested by law enforcement authorities or cited or disciplined by another constituent institution for engaging in misconduct, disruption, trespass, or other conduct creating a public safety threat to the student or others are subject to disciplinary proceedings [at UNCW]."

B. OFFENSES

Notwithstanding actions taken by civil authorities or private litigants, the vice chancellor for student affairs or their designee may initiate disciplinary proceedings as outlined in Section II-2 and/or Section IV-9 against a student (respondent) or student organization that violates the *UNCW Code of Student Life* or other applicable rules, including the following:

1. Damages, defaces, alters, destroys or misuses university property or property belonging to a member of the university community, a visitor to the campus, or any other public or private property.
2. Takes, purchases or possesses university property and/or services or property of any other person without expressed permission or authority.
3. Drugs
 - a. Possesses/uses an illicit drug or narcotic.
 - b. Manufactures, sells, delivers or possesses with the intent to manufacture, sell or deliver, any substance identified as a controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar provisions of federal law.
 - c. Possesses/uses drug paraphernalia.
 - d. Drives while impaired attributable to the use of drugs or after smoking/consuming

- e. Is visibly overcome— exhibits behavior including but not limited to loss of bodily control or consciousness, requires physical or medical assistance, or otherwise is unable to care for themselves due in part or in whole to the consumption of any drug(s).
 - f. Consumes, including huffing and/or sniffing, any substance not intended for such use.
4. Firearms/Weapons/Explosives
- a. Possesses any firearm or weapon on university premises without authorization, except as otherwise explicitly allowed by law. Weapons include, but are not limited to: guns, rifles, pistols, bb guns, air rifles/pistols (including air soft guns), paintball guns, crossbows, arrows, fireworks, dynamite, bombs, grenades, mines, powerful explosives, bullets or ammunition cartridges, nun chucks, slingshots, leaded canes, blackjacks, metallic knuckles, martial arts weapons, throwing stars, axes, ice picks, dirks, daggers, swords, bowie knives, switchblade knives, butterfly knives, other knives with blades four or more inches in length, Tasers, and stun guns.
 - b. Displays or brandishes a firearm or weapon of any kind, or any type that may be used or perceived as a firearm or weapon, in a manner that would create a fear of harm by others. While some objects are clearly dangerous, the manner in which an object is used may also subject it to being considered a weapon.
5. Conduct themselves in a manner that endangers the health or safety of self or others.
6. Fire/Fire Equipment
- a. Sets a fire in or on university property.
 - b. Tamper with fire equipment, including but not limited to fire alarms, fire extinguishers, covering or altering smoke detectors, or other fire or emergency equipment.
7. Engages in hazing. Hazing by university groups is prohibited on or off campus. Hazing is defined as a covert or overt action, occurring on or off campus, by an individual or group of individuals in connection to recruitment, initiation, rite of passage, or membership in a fraternity, sorority, UNCW sport club, group, organization or athletic team; that subjects any other member of the university community, voluntarily or involuntarily, to activity which creates an atmosphere for potential or actual humiliation, degradation, verbal, emotional or physical distress, abuse or injury; or compromises the academic mission and/or reputation of the university.

8. Inflicts or threatens bodily harm upon another, or acts in a manner which creates a risk/threat of bodily harm to another.
9. Intentionally furnishes false information to a member of the faculty, staff or a student acting in an official capacity.
10. Fails to comply with orders or directives of university officials, university hearing bodies, university police or any other law enforcement officers acting in performance of their duties.
11. Fails to provide accurate and complete information on the undergraduate or graduate application to the university.
12. Forges, alters, destroys or misuses university documents and records. Violations include, but are not limited to, forgery of applications for financial aid, admission, course changes and course credit, or alterations of transcripts, parking decals or student identification cards.
13. Alcohol Violations
 - a. Underage possession/use – possesses or uses alcohol under the age of twenty-one (21).
 - b. Illegal possession/use – possesses or uses alcohol where it is not legally permissible to do so, regardless of age.
 - c. Drives while impaired or driving after consuming alcohol under the age of twenty-one (21).
 - d. Provides alcohol to minors (any individual under the age of twenty-one).
 - e. Is visibly overcome – exhibits behaviors including but not limited to loss of bodily control of consciousness, requires physical or medical assistance, or otherwise is unable to care for themselves due in part or in whole to the consumption of alcohol.
 - f. Paraphernalia – possesses alcohol paraphernalia on university premises, including but not limited to beer bongs and funnels, alcohol without liquid devices, kegs, beer balls, party balls and similar alcohol containers.
 - g. Fails to abide by university policy on consumption and advertising of alcoholic beverages (see University Policy 05.303 and 05.304), including all applicable policies in the Campus Living Handbook & Policies.
14. Conducts themselves in a manner which encourages or enables illegal activity and/or a violation of the *UNCW Code of Student Life* by failing to confront the behavior or by implicitly condoning the behavior by their presence during the activity.
15. Disorderly Conduct
 - a. Disrupts university-sponsored activities, including but not limited to intentionally disrupting, obstructing, or interfering with the teaching, research, co-curricular or other university-sponsored activities.
 - b. Obscene conduct, not protected or

- b. Obscene conduct, not protected or privileged under the Constitution of the United States or the Constitution of North Carolina, including but not limited to lewd, indecent or obscene conduct.
- c. Rioting/raiding, including but not limited to rioting, inciting a riot, assembling a riot, raiding, inciting a raid, or assembling to raid operating units or university property.
- d. Leading or inciting others to disrupt scheduled and/or normal activities within any university building or premises.
- e. Obstructing the campus in a way that reasonably interferes with freedom of movement or safe passage, either pedestrian or vehicular, on university premises.
- f. Engaging in conduct which disturbs the peace, order or discipline at the university or university-sponsored activity.
- g. Conduct that is sufficiently severe and/or pervasive which in turn creates an environment that a reasonable person would consider intimidating, hostile, or abusive.

16. Harassment

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

- a. No student shall threaten, coerce, harass, bully 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 Statutes* include race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.
- b. No student shall engage in unlawful harassment leading to a hostile Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria:
 - i. Directed toward a particular person or persons.
 - ii. Based in whole or in part upon any of the protected statuses included in Section 103 of *The Code of the Board of Governors of The University of North Carolina*;
 - iii. Unwelcome.
 - iv. Is so severe or pervasive; and,
 - v. Objectively offensive to create

- v. Objectively offensive to create an intimidating, hostile or offensive working, learning or living environment; and
 - vi. So unreasonably interferes with the target person's employment, academic pursuits, or participation in university-sponsored activities as to effectively deny equal access to the university's resources and opportunities.
 - c. Conducts themselves in a manner which may be in violation of any part of the UNCW Unlawful Discrimination, Harassment, and Sexual Misconduct Policy (see [University Policy 02.205](#)).
- 17. Discriminates against another student through hostile environment harassment of a biased or prejudiced nature related to one's personal characteristics, such as race, color, national origin, sex, religion, handicap, age or sexual orientation.
- 18. Lends, sells, manufactures, possesses or otherwise transfers a student identification card or any other form of identification, including the use of a UNCW OneCard if not its original holder.
- 19. Misuses university technology in violation of rules and regulations of Institutional Technology (see [University Policy 07.100](#)).
- 20. Gains or attempts to gain entry to any university property without proper authorization or remains in any building or university property after normal closing hours, and/or possesses unauthorized keys or access codes/cards to university facilities The duplication of a university key or sharing of university access codes/cards is prohibited.
- 21. Gambles for money or other items of value in violation of North Carolina state law; this includes playing cards or other games of chance or skills for money or other items of value.
- 22. Misuses university communication systems, including university phones and data lines, without consent of those responsible for their control, including but not limited to inappropriate use of a UNCW emergency callbox.
- 23. Conducts themselves in a manner which may be in violation of any part of the Student Gender-Based/Sexual Misconduct Policy (see [University Policy 04.130](#)) or Title IX Grievance Policy (see [University Policy 02.210](#)).
- 24. Conducts themselves in a manner which may be in violation of policies and procedures as stated in the UNCW Housing and Residence Life publication, *Campus Living Handbook & Policies*.
- 25. Demonstrates and/or assembles in violation of North Carolina General Statutes.
- 26. Conduct themselves in a manner which may be in violation of any North Carolina and/or Federal criminal law.
- 27. Disrupts the Student Conduct Process
 - a. Attempts to discourage an individual's proper participation in, or use of, the

proper participation in, or use of, the campus conduct system.

- b. Attempts to influence the impartiality of the hearing officer, conduct board member or appeal administrator.
- c. Harasses and/or intimidates a hearing officer, conduct board member, appeal administrator, or witness prior to, during, and/or after a student conduct proceeding.
- d. Influences or attempts to influence another person to commit an abuse of the conduct system.

C. IDENTIFICATION OF STUDENTS ON CAMPUS

In order to protect the safety and welfare of students and employees of the university and to protect the property of the university, all persons at events or on property under the jurisdiction of the university shall identify themselves to an appropriate institutional representative who has identified themselves. A person identifies themselves by giving their name and complete address, stating truthfully their relationship to the university to an appropriate university official and by presenting a valid identification card.

If any person refuses or fails upon request to present evidence of their identification and it reasonably appears that the person has no legitimate reason to be on the campus or in the facility, the person may be removed from the campus or facility and issued a trespass order.

II-2 INITIATION OF DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION

Under the direction of the chancellor, the vice chancellor for student affairs has primary responsibility and authority for the administration of student conduct. Further delegation of this authority may be made by the vice chancellor for student affairs to the Office of the Dean of Students and to residence hall staff and/or other governing bodies, such as Student Organizations Committee, Sport Club Council, Graduate Student Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, United Greek Council and Residence Hall Association. The vice chancellor for student affairs and dean of students may delegate their authority to perform any of the duties assigned to that official in the *Code of Student Life*. All references to the vice chancellor for student affairs and/or dean of students include any such designee.

A. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student's UNCW e-mail address. The University of North Carolina Wilmington regards e-mail as an official method of communication with students, staff and faculty ([UNCW Policy 07.100](#)). The university reserves the right to use other reasonable means to notify students.

B. FILING COMPLAINTS

Any academic or administrative official, faculty or staff member or student may file a written complaint with the Office of the Dean of Students against any student for misconduct. The complaint must include factual information supporting the allegation. Anonymous charges will not be

permitted. While action on a complaint of violating a university regulation is pending, the status of the student shall not be altered except for reasons outlined in Section II-2-M.

C. STANDARD OF PROOF

The standard of proof for all student conduct cases will be preponderance of evidence which means there is greater than a 50% likelihood the respondent is responsible for the alleged violation.

D. PRELIMINARY INVESTIGATION, PRE-HEARING MEETING AND HEARING OPTIONS

When the dean of students receives information that a student has allegedly violated university regulations or local, state or federal law, the dean shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible. The dean of students may:

1. Find no basis for the complaint and dismiss the allegation as unfounded, or
2. Summon the respondent for a pre-hearing meeting. The pre-hearing meeting is designed to acclimate a respondent to the campus conduct process. It includes familiarizing a respondent with student rights as outlined in this Code and explaining the charge(s), hearing options, and options for consultation during the process.
3. Proceed administratively by informing the respondent of the following options for resolution of the disciplinary charges during the pre-hearing meeting:
 - a. Disagree to the charge(s) and have a hearing before Campus Conduct Board (CCB) where a determination of responsibility will be made. If the respondent is held responsible by CCB, an appropriate sanction will be determined.
 - b. Disagree to the charge(s) and request an administrative hearing before the dean of students where determination of responsibility will be made. The dean may elect not to hear the case. The case would then be heard by CCB. If the respondent is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
 - c. Agree to the charge(s) and elect for CCB to determine an appropriate
 - d. Agree to the charge(s) and elect for an administrative hearing before the dean of students to determine an appropriate sanction. The dean may elect not to hear the case. The case would then be heard by CCB.

E. SUMMONING A STUDENT RESPONDENT FOR A CONFERENCE

The dean of students may formally summon the respondent to appear for a pre-hearing meeting in connection with an alleged violation by sending the respondent notification (pursuant to Section II-2-A). This notification shall direct the respondent to appear at a specified date, time and place not less than two (2) business days after the incident in question. The notification shall also list the alleged violation(s) found

within the *Code of Student Life* (pursuant to Section II-2-B).

If the respondent fails to respond to the notification calling for the formal summons to appear for a pre-hearing meeting, the respondent forfeits the option to request whether the case is heard administratively or by the CCB. The respondent will be notified by e-mail sent no less than five (5) business days prior to a hearing before the dean of students or, at the option of the dean of students, the CCB.

At the hearing, a decision of responsible or not responsible will be made based on available information, with or without the respondent. If the respondent fails to attend the hearing, all allegations against the respondent shall be deemed to be denied. When appropriate, a sanction will be determined and the respondent will be notified by e-mail.

If a student is involved in more than one conduct proceeding concurrently, the proceedings may be combined at the discretion of the dean of students provided the proceedings have the same respondent.

F. STUDENT RESPONSIBILITIES

Participants in the student conduct process have the following responsibilities:

1. To know and adhere to the *UNCW Code of Student Life*.
2. To be honest and complete in all information they provide in the process.
3. To attend all meetings or hearings in a timely manner.
4. For respondents to complete any imposed sanctions on time and consistent with the decision in their case.
5. To participate in a manner that is civil and respectful.

G. STUDENT RIGHTS

All students are entitled to the following rights prior to a campus conduct hearing:

1. To a pre-hearing meeting with a university hearing officer where rights, responsibilities and procedures are explained.
2. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be forwarded to the respondent.
3. To review all available information, documents, and a list of witnesses that may provide testimony about the case. This is a continuing obligation of the complaining party and the dean of students.
4. To choose an Administrative or Campus Conduct Board hearing (the dean of students may elect not to hear the case). The case would then be heard by the Campus Conduct Board.
5. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
6. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the respondent's absence). A respondent who elects not to appear at a hearing may not be represented by a

- university advisor, licensed attorney or non-attorney advocate at the hearing.
- 7. To know the identity of witnesses who may provide testimony about the case.
- 8. To a university advisor, licensed attorney or non-attorney advocate. In cases involving sexual misconduct, both the complainant and the respondent have the right to an advocate or advisor as well as a support person during the hearing. While the non-attorney advocate or attorney may participate to the same extent as the respondent or complainant, the support person(s) may not actively participate in the hearing.
- 9. To refuse to answer any questions or make a statement – however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
- 10. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
- 11. To have the hearing conducted as outlined in the *UNCW Code of Student Life* .
- 12. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.

H. UNIVERSITY ADVISORS

A university advisor is permissible in Administrative, Campus Conduct Board, Student Academic Honor Board, Student Organization Conduct, Gender-Based Sexual Misconduct and Title IX Grievance hearings. Upon the request of the respondent, the Office of the Dean of Students will appoint a university advisor to help a student prepare for a hearing. The advisor may not speak on the respondent's behalf at the hearing. The advisor's role is to:

- a. Advise the respondent concerning the preparation and presentation of their case.
- b. Accompany the respondent to all conduct proceedings as requested by the respondent.
- c. Have access to all materials relating to the case as provided by the respondent.

A respondent who elects not to appear at a hearing may not be represented by a university advisor at the hearing.

In cases involving sexual misconduct, both the complainant and the respondent have the right to an advocate or advisor as well as a support person with them during the hearing. The support person(s) may not actively participate in the hearing. For a more complete explanation of rights associated with student sexual misconduct cases, see the Gender Based/Sexual Misconduct Policy 04.13 0 and the Title IX Grievance Policy 02.210.

I. LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES

Students who have been accused of a violation of the *UNCW Code of Student Life* (respondents) may be represented by a licensed attorney or non-attorney advocate during any conduct hearing except when:

- a. The allegation is academic dishonesty.

A respondent who elects not to appear at a hearing may not be

represented by a licensed attorney or non-attorney advocate at the hearing.

When scheduling a conduct hearing, the Office of the Dean of Students will make reasonable efforts to accommodate a licensed attorney or non-attorney advocate; however, the availability of students, witnesses, the designated administrator, board members and other necessary participants may take priority when determining the date and time of the hearing.

A student who chooses a licensed attorney or non-attorney advocate will be responsible for any expenses that may be incurred.

A. Requirements to Serve as a Licensed Attorney or Non-Attorney Advocate

In order for a licensed attorney or non-attorney advocate to represent a student in a conduct hearing, the student must provide the Office of the Dean of Students with the three (3) documents described below. These three (3) documents must be submitted within five (5) business days following the pre-hearing.

1. Notice of Representation

Students that plan to have a licensed attorney or non-attorney advocate represent them during the conduct hearing must notify the Office of the Dean of Students in writing. This notification must include:

- a. The identity of the licensed attorney or non-attorney advocate.
- b. Whether the individual is a licensed attorney or non-attorney advocate.
- c. An address, telephone number and e-mail address where the licensed attorney or non-attorney advocate can be reached.

2. FERPA Authorization

In order for a licensed attorney or a non-attorney advocate to represent a student during a conduct hearing or to speak with an administrator in the Office of the Dean of Students regarding the student, the student must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA). Even if a student submits a valid FERPA consent authorizing the licensed attorney or non-attorney advocate to receive information or documents regarding the student, the Office of the Dean of Students may at all times correspond directly with the student. It is the student's responsibility

to communicate and share information with a licensed attorney or non-attorney advocate.

3. Certification by Licensed Attorney or Non-Attorney Advocate

Students that plan to have a licensed attorney or non-attorney advocate represent them during a conduct hearing must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

- a. *UNCW Code of Student Life* ,
and
- b. Section 700.4.1 and 700.4.1.1 of the *UNC Policy Manual*.

B. Participation of Licensed Attorneys or Non-Attorney Advocates in Disciplinary Procedures

Consistent with the rules, policies or guidelines governing the university's conduct hearing, licensed attorneys or non-attorney advocates may fully participate in conduct hearings only to the extent afforded to the student they represent. Additionally, licensed attorneys and non- attorney advocates may not delay, disrupt or otherwise interfere with a conduct hearing.

An attorney or other individual representing the university may participate in a conduct hearing in which a licensed attorney or non-attorney advocate represents a student or student organization.

J. PROCEDURAL STANDARDS FOR ADMINISTRATIVE HEARINGS

1. The decision shall be based solely upon such matters and must be supported by the evidence which will be introduced at the hearing. Any student charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by the administrative hearing officer; hearsay shall be admissible and any credible source, and documentary or testimonial, shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of the search-and- entry provisions appearing in Section III-G.
3. Administrative hearing records are maintained in the Office of the Dean of Students and are confidential. They may be released only with the consent of the student involved or as allowed under the Family Educational Rights & Privacy Act (FERPA). A written record of the proceedings and action taken will be filed with the Office of the Dean of Students.
4. No administrative hearing officer who has a personal interest in the particular case may sit in

judgment during the proceeding. If an administrative hearing officer refuses to recuse themselves due to a conflict of interest, the dean of students will make the excusal decision. The respondent will also be given the opportunity to challenge an administrative hearing officer or official on these grounds. In such cases in which an administrative hearing officer cannot serve due to a conflict of interest, another administrative hearing officer may be appointed by the dean of students to serve for the duration of the hearing.

K. ADMINISTRATIVE HEARING PROCEDURE

1. If a student requests an administrative hearing before the dean of students, the administrator will provide the student written notice of the date, time and location of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
2. Administrative conduct hearings are closed hearings which are closed to the general public.
3. Prior to a hearing in cases which may involve suspension or expulsion, the respondent is entitled to the following as outline in UNC Policy 700.4.1:
 - a. A written notice of the charge including possible sanctions.
 - b. Review of all available information, documents and exhibits.
 - c. A list of witnesses that may provide testimony about the case.
 - d. An outline of student rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
 - g. Written notice will be sent via e-mail.
4. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
5. The dean of students shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the respondent in writing of the following:
 - i. the date, time and place for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. the names of witnesses who may provide testimony about

- the case.
- iii. the charges against them.
 - iv. that the dean of students may question a student testifying on the respondent's behalf or question the respondent if they testify on their own behalf.
6. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to their parent or guardian.
 7. If a student chooses to present witness testimony at an administrative hearing it is the student's responsibility to notify their witness(es) of the day, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
 8. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students may proceed with the hearing in the respondent's absence, as has been outlined.
 9. A final administrative decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The case resolution form will be presented to the respondent in writing within five (5) business days of the decision.
 10. If a student chooses a hearing before CCB and is cited for an additional violation(s) in the interim, the student then forfeits the right to a CCB hearing and an administrative hearing will be conducted on all charges.
 11. During times in which CCB is not in session, such as an examination or break period (fall break, winter break and spring break), all cases may be heard administratively with an appeal to the vice chancellor for student affairs. The decision of the vice chancellor is final unless the outcome is suspension or expulsion.

L. ADMINISTRATIVE HEARING APPEAL PROCEDURE

The respondent may request an appeal within two (2) business days after notification of the original decision. Notification is defined as the date the case resolution form is given to the respondent in person, or the date stamp of the e-mail sent to the respondent. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student's appeal. Original sanctions (with the exception of interim suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

For non-suspension level cases, the senior associate dean of students/designee shall serve as the designated appellate officer. The decision of the senior associate dean of students/designee is final.

For suspension level cases, the dean of students shall serve as the designated appellate officer.

1. Procedure

- a. The function of the designated hearing officer in reviewing an appeal is that of

officer in reviewing an appeal is that of checking the action of the administrative hearing officer to determine if:

- i. an alleged violation of the rights guaranteed the respondent has occurred;
 - ii. the sanction is too severe for the violation; or
 - iii. new evidence has developed which has bearing on the outcome.
- b. Upon receiving a petition, the designated appellate officer shall obtain the record of the administrative hearing officer. Such record shall include relevant documents and a written statement by the hearing officer or advisor to the Campus Conduct Board. Such statement in the case of administrative action shall summarize the case and the reasons supporting the disciplinary decision.
- c. With this information, the designated appellate officer shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of a decision regarding whether the appeal will be heard within ten (10) business days after receipt of the petition. Reasonable extensions of time may be allowed.
- d. If the designated appellate officer determines that an Appellate Review shall be granted, that Review shall be held within ten (10) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the respondent of their rights (as outlined in Section II-2-G).
- e. The designated appellate officer will review all written correspondence associated with the case, may request additional documents and information from the hearing officer who adjudicated the case, and may invite the respondent, the original administrative hearing officer, and such other persons as deemed appropriate to appear to make statements and respond to questions.
- f. After the Appellate Review is concluded, the designated appellate officer will make a final decision which will be communicated to the student respondent within two (2) business days.
- g. The designated appellate officer has the authority to approve, reject or modify the decision in question or remand the case back to the administrative hearing officer.
- h. Consistent with Section 502D (3) of the

ii. Consistent with Section 502D (3) of the UNC Policy Manual, when the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been This appeal is for an individual student conduct case (not campus organizations), provided the appeal is based on:

- i. violation of due process; or
- ii. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted.

M. ADMINISTRATIVE MEASURES

INTERIM SUSPENSION

Interim suspension is an action imposed by the vice chancellor for student affairs requiring that a student immediately leave the campus and university property when there is reasonable cause to believe, based on available facts, that the student may be:

1. A serious risk or continuing danger to themselves and/or members of the university community, or
2. A serious or continuing risk of disruption of the academic environment and/or university activities, or
3. A serious risk or continuing danger to university property, or
4. Charged with a serious criminal offense which may compromise the mission and/or reputation of the university.

If a student's conduct meets any of the criteria, the student will receive written notice containing the reason for interim suspension. A student subject to interim suspension may request an administrative hearing with the dean of students within five (5) business days from the effective date of interim suspension. The purpose of the administrative hearing is to determine the responsibility or non-responsibility of the student charged, the appropriate sanction and whether the conditions of interim suspension should continue. The dean of students may elect not to hear the case and refer the case to Campus Conduct Board (CCB). A regular hearing, where normal procedures apply, before CCB, shall normally be conducted within five (5) business days of the student's request for a hearing. Reasonable extensions of time may be allowed.

The request for an administrative hearing must clearly state the grounds on which it is based and present specific reasons or justifications to support the request, which shall be limited to:

1. The reliability of the information concerning the student's conduct, including, but not limited to an assertion of mistaken identity and/or

identity; and/or

2. Whether the conduct and the surrounding circumstances reasonably indicates that any of the criteria in paragraph one, sections 1. or 2. or 3. or 4., have been met.

A case resolution form will be provided to the student in writing and include the rationale for the determination to uphold, reverse, or modify the original decision within five (5) business days of the decision. The decision of the dean of students/CCB shall become effective immediately upon its issuance.

If the student does not request an administrative hearing with the dean within five (5) business days after notification of interim suspension, their classes will be administratively withdrawn, a notation of “disciplinary suspension” will be placed on their academic transcript, and their name will be added to the UNC System suspension/expulsion database.

A student may choose to hold their right to a hearing in abeyance until they are ready to request a hearing. Within one calendar year of the date of the original interim suspension notification, a student may request an administrative hearing with the dean of students by submitting the request in writing to the Office of the Dean of Students. The dean of students reserves the right to refer the case for adjudication by the CCB.

After a period of one calendar year from the date of the original interim suspension notification, a former student may request a meeting with the dean of students to review their case. The dean of students will do the following: review the conduct file, review an updated criminal background check, and require an affidavit from the student attesting to conduct history (including, but not limited to, criminal charges, civil charges, and charges filed by other educational institutions). The dean of students may request additional documentation (such as affirmation/documentation of counseling for certain cases) and meet with the student to determine whether an administrative hearing with the dean of students/CCB is necessary or whether time served away from the institution while on interim suspension is an appropriate sanction in consideration of the offense(s).

If the dean of students determines the former student has met the conditions of the interim suspension, they will lift the conduct encumbrance clearing the former student for re-enrollment to UNCW. The former student will be required to complete a re-enrollment application process but will not have their conduct history reviewed by the Campus Safety Investigation Committee in the Office of Admissions. If the outcome of the meeting with the dean of students is not satisfactory to the former student, the former student may request a hearing before CCB.

Please refer to the Gender-Based/Sexual Misconduct Policy 04.130, Title IX Grievance Policy 02.210, and Unlawful Discrimination, Harassment, and Sexual Misconduct Policy 02.205 for interim suspension cases involving sexual misconduct

Interim Suspension Appeals

A student may appeal the decision of the dean of students/CCB to the chancellor/designee(s) within ten (10) business days after notification of the dean of students/CCB decision. An "Intent to Appeal" must be submitted within two (2) business days after notification of the dean/CCB decision. The "Request for Appellate Consideration Form" must then be submitted within ten (10) business days after notification of the dean/CCB decision. Reasonable extensions of time are permissible upon request to the dean of students prior to the deadline for submission. The request shall be submitted to the Office of the Dean of Students in writing and shall set forth the grounds for appeal, the basis of the objection to the dean of students/CCB's findings and the requested relief. (Hereafter the chancellor/designee(s) shall be commonly referred to as "Appellate Body.")

The function of the Appellate Body in reviewing an appeal is that of checking the action of the dean of students/CCB to determine if:

- 1) an alleged violation of the rights guaranteed the respondent has occurred;
- 2) the sanction is too severe for the violation; or
- 3) new evidence has developed which has bearing on the outcome.

Upon receipt of an appeal from the student the Appellate Body shall consider the decision a recommendation and shall decide whether to accept, modify or reject it.

In the case of an appeal, the record of the proceedings before the dean of students/CCB shall be prepared by the dean of students/advisor to CCB and shall be forwarded to the Appellate Body. The record shall include any recordings or transcripts taken during the proceedings and a copy of all documents and other writings introduced in evidence at the hearing. It shall not include any record of the dean of students/CCB deliberations.

An appeal is considered solely by the Appellate Body and is final unless the outcome is suspension or expulsion. Consistent with Section 502 D (3) of the UNC Policy Manual, when the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days for individual student conduct cases, provided the appeal is based on 1) violation of due process; or 2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted. For suspension and expulsion level cases, the appeal to the Board of Trustees is final.

A student who has been suspended by the dean of students/CCB who wishes to return to the university must follow the terms established by the Office of the Dean of Students for reinstatement, as outlined in official correspondence from the university. Former students who petition the university for reinstatement must also subsequently apply for readmission.

PARENTAL NOTIFICATION

Parents or guardians of students under the age of 21, who are placed on disciplinary probation for a violation of an alcohol or drug offense, may be notified through written correspondence by the Office of the Dean of Students. The purpose of the notification is to encourage parents to discuss the situation with the student, define the terms and conditions of disciplinary probation and encourage parents to work with the university in addressing behaviors which fall below the university's conduct standards.

STUDENTS WITH DISABILITIES

When a student with a documented disability is charged with an offense, and informs the Office of the Dean of Students of such status, the university will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

MEDICAL AMNESTY

The university community encourages the reporting of *Code of Student Life* violations. Sometimes individuals are hesitant to report to university officials because they fear that they or others may be charged with policy violations (such as underage drinking). To enable the highest safety standards and health care responses for our students, it is essential that students feel safe to report incidents to university officials, especially when they or others may be in medical distress. The university does not want the fear of repercussions for reporting to be a barrier for seeking help. To mitigate barriers to requesting medical aid that may be caused by consumption or use of alcohol or drugs, medical amnesty shall apply to:

- Students who request medical aid for themselves;
- Students who request medical aid for another student(s);
- Students for whom medical aid is rendered; and/or
- Students and/or organizations who are victims and/or witnesses of a crime (including, but not limited to, sexual misconduct, interpersonal violence, assault, theft, or vandalism) and may have simultaneously violated University policy regarding the possession, consumption, or use of alcohol and/or drugs.

Medical amnesty does not apply to:

- students who are first reported by or treated by university officials or emergency personnel;
- law enforcement agencies within their jurisdictions enforcing federal, state, or local laws (however, state laws related to medical amnesty may apply); or
- students who are engaging in behaviors other than possession, consumption or

other than possession, consumption or use of alcohol and/or other drugs (including, but not limited to, driving under the influence, manufacturing/distribution/delivery of drugs, possessing with intent to sell/manufacture/distribute/deliver drugs, sexual misconduct, relationship violence, or stalking.

The dean of students has sole discretion related to the initiation of medical amnesty. To receive relief under medical amnesty, the student or organization must agree to a recommended plan of action which may include a referral to Health Promotion for alcohol/drug education, and/or referrals to other campus/community resources, educational programming, and/or parental notification. A student or organization that fails to meet expectations of the recommended plan of action will no longer be eligible for relief under medical amnesty and may be referred to the student conduct process. The Office of the Dean of Students will maintain a record of the accepted action plan for eight (8) years in accordance with the University record retention policy. The maintained record is internal to the university and will not be disclosed as part of any prior conduct records, except as required by law.

There are provisions in North Carolina General Statutes that provide amnesty for individuals seeking medical assistance for others experiencing drug- or alcohol-related overdoses.

This includes General Statute § 18B-302.2 which relates to alcohol, and General Statute § 90-96.2, which relates to drugs.

ADMINISTRATIVE ORDER OF NO CONTACT

When, based on campus or external incident/police reports, the university is made aware that two or more students may pose a nuisance to the peace of the community by harassing or threatening one another, as evidenced by concerns reported by other students or the faculty or administration, and independent of any protective orders placed by a judge or magistrate, the Office of the Dean of Students may impose a mutual “Order of No Contact” between two or more students. Students issued an “Order of No Contact” may by no means communicate with, directly or indirectly, a student, faculty or staff member listed by the university. Failure to comply with a university “Order of No Contact” may result in disciplinary action taken by the university.

ADMINISTRATIVE LETTER OF COMMUNITY STANDARDSA letter sent via e-mail to a student indicating their alleged behavior is inappropriate and may be in violation of UNCW’s community standards, and stating that future violations may result in a formal conduct process.

II-3 CAMPUS CONDUCT BOARD

A. CAMPUS CONDUCT BOARD

1. The Campus Conduct Board (CCB) is activated when a student requests a hearing before CCB or if a case is referred automatically by the dean of students. The associate vice chancellor for student affairs serves as the advisor to CCB. The members are:

- a. Five (5) students recommended by the Student Government Association and appointed by the chancellor.
- b. Two (2) faculty members recommended

- by the chairperson of Faculty Senate and appointed by the chancellor.
 2. The dean of students will select and train CCB members to serve as chairs.
 3. Quorum shall consist of a minimum of three (3) members, one must be a faculty member.
 4. Selection
 - a. Students recommended by the Student Government Association and chancellor for appointments to CCB are selected through a campus wide application process.
 - b. CCB members will be appointed annually. Members serve a one-year term and may be reappointed annually by the Student Government Association and will also require a re-application.
 - c. Vacancies occurring during the course of the year will be filled by the vice chancellor for student affairs.
 - d. Members of CCB become active members only after they have been trained by the Office of the Dean of Students.
 - e. CCB members may be excused from their role on the board if they fail to maintain the required GPA, exhibit inappropriate behavior in or out of the hearings, or otherwise fall out of good standing with the university.
 5. Jurisdiction of CCB
 - a. CCB may have, at the request of a respondent or the dean of students, original jurisdiction in conduct cases.
 - b. CCB has appellate power to review decisions of administrative hearing officers and the dean of students with the authority to accept or lessen, but not increase, the sanction imposed. CCB may refer a case to the original hearing officer for a rehearing.

B. PROCEDURAL STANDARDS FOR CCB CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence which will be introduced at the hearing. Any student charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by CCB; hearsay shall be admissible and any credible source, and documentary or testimonial, shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of the search-and-entry provisions appearing in Section III-G.
3. CCB records are maintained in the Office of the Dean of Students and are confidential. They may be released only with the consent of the student involved or as allowed under the Family Educational Rights & Privacy Act (FERPA) . A written record of

the proceedings and action taken will be filed with the Office of the Dean of Students.

4. No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to recuse themselves due to a conflict of interest, the dean of students will make the excusal decision. The respondent will also be given the opportunity to challenge a committee member or official on these grounds. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the vice chancellor to serve for the duration of the hearing.

C. CAMPUS CONDUCT BOARD HEARING PROCEDURE

1. Prior to a hearing, the respondent is entitled to the rights outlined in II-2-G.
2. If a student requests a CCB hearing, the dean will forward written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The respondent may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
3. CCB hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension or expulsion, the respondent is entitled to the following:
 - a. A written notice of the charge(s) including possible sanctions.
 - b. Review of all available information, documents, exhibits.
 - c. A list of witnesses that may provide testimony about the case.
 - d. An outline of student rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the respondent receives notice of the referral, unless the respondent waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the respondent and the dean.
 - f. In cases that may result in expulsion, the written notice will specify that expulsion precludes matriculation at any UNC constituent institution.
 - g. Written notice will be sent via e-mail.
5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
6. The dean of students shall:
 - a. set the date, time and location for the hearing.
 - b. summon university witnesses and prepare evidence for each hearing.
 - c. notify the respondent in writing of the following:
 - i. the date, time and location for the hearing - the letter shall specify a hearing date not less than five (5) business days after

- the official notice is sent.
 - ii. the names of witnesses who may provide testimony about the case.
 - iii. the charges against them.
 - iv. the dean of students may question a student testifying on the respondent's behalf or question the respondent if they testify on their own behalf.
7. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to their parent or guardian.
 8. A respondent may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing may be allowed. CCB, with good cause, may postpone or continue the hearing and notify all interested persons of the new hearing date, time and location.
 9. If a student chooses to present witness testimony at a CCB hearing it is the student's responsibility to notify their witness(es) of the date, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
 10. If a respondent fails, without good cause, to comply with the letter sent under this section, the dean of students may proceed with the hearing in the respondent's absence, as has been outlined.
 11. If a student chooses a hearing before CCB and is cited for an additional violation(s) in the interim, the student then forfeits the right to a CCB hearing and an administrative hearing may be conducted on all charges.
 12. CCB shall proceed generally as follows during the hearing:
 - a. CCB chairperson states the hearing is closed to the public.
 - b. The chairperson of CCB informs the respondent of their rights and asks the respondent whether they agree or disagree to the charge(s) before CCB.
 - c. The dean of students presents the university's case and may call witnesses.
 - d. The respondent and the CCB may question the university and/or each witness called.
 - e. The respondent presents their case and may call any witnesses they have present.
 - f. The university and the CCB may question the respondent and/or each witness called.
 - g. The dean of students and the respondent present rebuttal evidence and final statements. Both the dean of students and the respondent may make closing statements.
 - h. CCB deliberates in closed session and decides whether the respondent is

responsible or not responsible for each charge.

- i. If the CCB finds the respondent not responsible for all charges, the hearing is concluded.
- j. If CCB finds the respondent responsible for one or more charges, the dean of students and respondent may present evidence and argument on an appropriate sanction.
- k. If CCB finds the respondent responsible, the dean of students will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.
- l. CCB deliberates in a closed session and determines an appropriate sanction.
- m. CCB renders a written decision as to whether they find the respondent responsible or not responsible for the charge(s). The decision states the sanction, if any, and procedures for appeal. The respondent and dean of students shall each be given a copy of the decision. A final CCB decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the respondent in This will generally occur immediately following the hearing, however may take up to five (5) business days.

13. The student conduct file is confidential and consists of:

- a. the original referral.
- b. all correspondence directed to the respondent.
- c. all material presented to, or considered by, CCB.
- d. the official case resolution form.
- e. appeal documentation submitted, if any.

D. CCB APPEAL PROCEDURE

The respondent may request an appeal within two (2) business days after notification of the original decision. Notification is defined as the date the case resolution form is given to the respondent, or the date stamp of the e-mail sent to the respondent. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student's appeal. Original sanctions (with the exception of interim suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

For non-suspension level cases, the senior associate dean of students/designee shall serve as the designated appellate officer. The decision of the senior associate dean of students/designee is final.

For suspension level cases, the dean of students shall serve as

the designated appellate officer.

1. Procedure:

- a. The function of the designated appellate officer in hearing an appeal is that of reviewing the action of CCB to determine if:
 - i. an alleged violation of the rights guaranteed the respondent has occurred;
 - ii. the sanction is too severe for the violation; or
 - iii. new evidence has developed which has bearing on the outcome.
- b. Upon receiving a petition, the designated appellate officer shall obtain the record of CCB. The record shall include relevant documents, the case resolution form including a case summary and rationale for supporting the decision.
- c. With this information, the designated appellate officer shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined. The respondent will be notified in writing of the decision within ten (10) business days after receipt of the petition. Reasonable extensions of time may be allowed.
- d. If the designated appellate officer determines that an Appellate Review shall be granted, that Review shall be held within ten (10) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the respondent of their rights (as outlined in Section II-2-G).
- e. The designated appellate officer will review all written correspondence associated with the case, may request additional documents and information from the student hearing chair who presided over the student board that heard the case, and may invite the respondent, the chair, and such other persons as deemed appropriate to appear to make statements and respond to questions.
- f. After the Appellate Review is concluded, the designated appellate officer will make a final decision which will be communicated to the student respondent within two (2) business days.
- g. The designated appellate officer has the authority to approve, reject or modify the decision in question or to remand the case back to the same CCB.
- h. Consistent with Section 502D(3) of the UNC Policy Manual, where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees within three (3) business days of notification that the original appeal has been. This appeal is for an individual student conduct case, provided the appeal is based on:
 - i. violation of due process; or
 - ii. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

The Board of Trustees will review the appeal within ten (10) business days. Reasonable extensions of time will be permitted.

II-4 AUTHORIZED DISCIPLINARY SANCTIONS

A. LEVELS OF UNIVERSITY DISCIPLINARY SANCTIONS

The range of sanctions includes, but are not limited to:

Written Warning – is a status of warning at least through the end of the next full semester, which terminates automatically when the imposed period expires.

Disciplinary Probation – is a status of probation for typically no less than one year up to the remainder of a student's enrollment which terminates automatically when the imposed period expires. A student who is placed on disciplinary probation is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities.

As part of disciplinary probation, the student may also have restrictions placed on specific privileges, as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probationary period. In the event of a further violation of the *UNCW Code of Student Life* or other applicable rules while on disciplinary probation, the university may seek the penalty of suspension or expulsion.

Final Probation- A final notice to a student that may be imposed, dependent on the severity of the violation when a student: a) violates the *Code of Student Life* while on disciplinary probation, and/or b) fails to complete previously imposed sanctions. Students found responsible for any further violation of the *Code of Student Life* while on final probation may be suspended from the University. A student placed on final probation is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities.

Deferred Suspension – is a status assigned for an offense(s) serious enough to warrant suspension but where specific circumstances of the case mitigate the offense, or for repeated offenses of a less serious nature. A student placed on deferred suspension is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities, including university-sponsored travel or study abroad programs. The status is assigned for typically no less than one year up to the remainder of a student's enrollment which terminates automatically when the imposed period expires. A condition of deferred suspension may include the revocation of a student's housing contract.

In the event of a further violation(s) of the *UNCW Code of Student Life* or other applicable rules while on deferred suspension, the university will seek the sanction of suspension or expulsion.

Suspension* - Suspension is withdrawal of enrollment privileges and cancellation of registration, at a minimum, through the end of the next full semester, and carries with it conditions which must be met for re-enrollment.

Re-enrollment after a suspension period requires that the student a meeting with the dean of students at the close of the imposed period, and the dean will determine whether the student has met the conditions imposed and is otherwise eligible for re-enrollment.

During the term of suspension, the student may not come onto campus. Failure to abide by this condition may result in arrest for criminal trespassing, and may delay the student's re-enrollment.

A notation of "disciplinary suspension" will be applied to a student's academic transcript and will remain until the term of suspension is complete.

A student who is suspended after the deadline for withdrawal with a "W" shall be assigned a grade of "WF" or "W" by each instructor based upon the academic performance prior to the suspension.

By state policy, a sanction of suspension requires that the student's name and duration of suspension be added to the UNC Suspension/Expulsion Database in perpetuity.

Expulsion – is the permanent dismissal of a student from the university, and it precludes matriculation at any UNC constituent institution, unless and until the chancellor who imposed or approved the sanction or their successor concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education within the UNC system. The student will be trespassed from university property for as long as the individual is considered a risk to others or to university property. Expulsion will result in a permanent transcript notation.

The chancellor or vice chancellor for student affairs may impose the sanction of expulsion.

A notation of "disciplinary expulsion" will be applied to the student's academic transcript and will remain in perpetuity.

By state policy, a sanction of expulsion requires that the student's name be added to the UNC Suspension/Expulsion Database.

Other Sanctions – For students living on campus, the Office of the Dean of Students will consult with Housing and Residence Life staff in order to address a student's comprehensive conduct in residence, and may enforce the provision in the Housing Contract which provides the university the right to a) move a student to another residence hall; b) terminate a student's housing agreement; or c) refuse to renew a housing contract. As part of the conditions established by CCB or the administrative hearing officer, a student may be denied access to a residence life area or evicted from university housing. Prior to removing a student from residence, the student is entitled to the full disciplinary process described in the *UNCW Code of Student Life*. Any student who is removed from on-campus housing shall not be entitled to a refund of room. For certain offenses, students may be restricted from visiting in or around campus residential facilities.

The university reserves the right to impose other educational sanctions appropriate to the offense(s).

B. RESTITUTION

CCB or the hearing body, as part of the disciplinary process, may impose specific conditions (e.g., requirement of student to reimburse for damage or destruction or misappropriation of university property or property of any person, and restitution in the form of appropriate service to be performed). Reimbursement may take the form of appropriate service for repair or compensation for damages.

C. MONETARY FEES

As a part of the disciplinary process, students will be assessed fees for classes offered through the Health Promotion Team: Challenging Decisions (\$100) and/or BASICS (\$150). Fees will be used to fund substance abuse education programs. In addition, a student may be referred to the Health Promotion Team, a substance assessment at the Counseling Center, or at an off campus agency if the hearing body finds alcohol or other drugs to be a contributing factor in the student's case. A student who fails to appear for an on-campus substance assessment will be required to complete the assessment off campus at their personal expense. A \$50 fee will be assessed to students who fail to appear for a Challenging Decisions class or other required classes or appointments through the Health Promotion Team.

II-5 DISCIPLINARY RECORDS

- A. A hearing record, notice of appeal and each petition for review are confidential and may not be disclosed in whole or part except for certain alcohol and drug offenses. Other exceptions are outlined in the Family Educational Rights and Privacy Act (FERPA). This disciplinary record shall be separate from the student's academic record but shall be considered a part of the student's educational record and maintained in the Office of the Dean of Students.
- B. Victims of crimes of violence will be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.
- C. For offenses heard under the Student Gender-Based/Sexual Misconduct Policy 04.130 and Title IX Grievance Policy 02.210, the university will disclose information to the alleged victim in accordance with the policies. A student who is suspended or expelled will have a "hold" placed on their registration by the dean of students. The "hold" will be removed when the term of suspension expires and/or conditions for re-enrollment have been met.
- D. A notation of suspension or expulsion will be placed on the transcript as a "Disciplinary Suspension" or "Disciplinary Expulsion," respectively, for conduct withdrawals and "Honor Code Suspension" or "Honor Code Expulsion," respectively, for Honor Code. The withdrawals notation will remain until the term of suspension is complete. Per state policy, the student's name will also be permanently added to the UNC

Suspension/Expulsion database. Records for conduct cases (including audio, video, and transcripts) not resulting in suspension or expulsion are governed by the UNC General Records Retention and Disposition Schedule. Such records are maintained by the Office of the Dean of Students for 8 years unless otherwise prescribed by the UNC General Records Retention and Disposition Schedule.

III-1 INTRODUCTION

The Department of Housing and Residence Life at the University of North Carolina Wilmington offers students safe, affordable and well-maintained residential facilities, complemented by exceptional customer service and co-curricular learning opportunities from highly trained, student-focused staff. The department fosters inclusive communities for holistic student learning by promoting personal responsibility, offering a broad range of educational programming, and providing leadership development opportunities. We value the efficient use of resources, technological innovation, sustainable practices, and continuous improvement to best serve our residential community. The Executive Director of Housing and Residence Life invites all students to stop by to ask questions and offer suggestions about living on campus. The Department of Housing and Residence Life is located directly behind Schwartz Hall. The *Campus Living Handbook & Policies* outlines the rights, rules and responsibilities of students living in on-campus residences. Students living on campus are responsible for the information in the *Campus Living Handbook & Policies*, which is available online by visiting the housing website (<http://www.uncw.edu/housing>).

III-2 HOUSING & RESIDENCE LIFE STAFF

The Department of Housing and Residence Life is a representative member of the Division of Student Affairs. Members of the Housing and Residence Life staff include: the Executive Director of Housing and Residence Life; two Associate Directors: Business Services and Residence Life; and five Assistant Directors: Residence Life (3), Business Operations and Technology, and Facilities Operations. There are also ten professional live-in Residence Coordinators. Residence Coordinators, assisted by Assistant Residence Coordinators, Resident Assistants and Desk Receptionists, supervise the residential areas.

III-3 RESIDENCE LIFE POLICIES

The following section outlines the policies that residents (and their visiting guests) must follow while visiting or living within a Housing & Residence Life (HRL) space. Any student who fails to comply with these policies will be bound by consequences outlined herein through HRL or the Office of the Dean of Students as outlined in the *Campus Living Handbook & Policies* and/or the *UNCW Code of Student Life*. Housing and Residence Life encourages responsible decision-making within our communities. Residents are ultimately responsible for the actions that take place in their living spaces and should take necessary steps to prevent and discourage any behaviors exhibited by students or guests that are not congruent with the *UNCW Code of Student Life*, *Seahawk Respect Compact*, *Community Agreement* and policies outlined by Housing and Residence Life.

A. ALCOHOL

The University of North Carolina Wilmington abides by North Carolina State laws and statutes. Students 21 years of age and older may possess and consume beverages within the privacy of their bedroom or private living area. Students suspected of underage possession/consumption and/or other alcohol policy violations will be referred to the Office of the Dean of Students. Below is an outline of expectations about alcohol usage in the residential buildings:

- Residents who are not 21 are not permitted to possess/consume alcohol.
- Residents 21 years or older are allowed to possess and responsibly consume alcohol.
- Non-students and off-campus students are not permitted to bring alcohol onto campus.
- Alcohol is not permitted in public areas: hallways, lounges, balconies/porches, pools and other outdoor areas. Alcohol beverages sales in UNCW residence halls are prohibited.
- Communal containers of alcohol are not This includes, but is not limited to, kegs and other large common source containers.
- Games/activities that encourage binge drinking are not permitted. This includes but is not limited to beer/water pong, flip cup, card games, etc. Paraphernalia associated with such games/activities are also prohibited.
- Residents who are under 21 years of age are not allowed to host people with alcohol regardless of guest's age.

Additionally, those who are of legal drinking age have a responsibility to hold themselves as well as their peers accountable for acceptable drinking behavior(s), which include:

- Of age residents should never purchase/provide alcohol to underage persons.
- Of age residents should never be in the presence of underage consumption.
- Of age residents should label their alcohol if it is kept in a common area shared with an underage room/suite/apartment-mate.
- Of age residents should account for alcohol purchased/owned.
- Of age residents should never exhibit behavior attributed to over consumption of alcohol. This includes but is not limited to vomiting, slurred speech, the need of physical/medical assistance, inability to carry out bodily functions, etc.

A student and their guest may be asked to open all backpacks, bags, coolers, and other containers when entering residential facilities. This procedure is a safety and security measure which prevents unwanted or unauthorized items from being brought into the residence. All students' cooperation with staff requests is expected and appreciated. A resident and their guests may be denied entrance if they choose not to cooperate with this request.

B. DRUGS

The illegal use, possession, sale, delivery and/or manufacture of drugs (illicit or prescription) is not permitted. Possession of drug-related paraphernalia is also not permitted. This action is subject to University Police investigation and referral to the Office of the Dean of Students. Additional information about the university drug policy can be found in the [Code of Student Life](#).

C. VISITATION

The visitation program in the UNCW student residences creates a structure for residents to bring guests into their rooms. In full support of the educational mission of the university, students living on-campus are expected to view academic responsibilities as their primary goal. Studying, therefore, takes precedence over socializing in student residences on weekday nights. On weekends, there is a greater amount of leisure time and social activities that are usually more prominent. The guidelines for visitation are grounded in this academic schedule and are designed to balance a student's responsibilities with individual and group needs.

1. **VISITATION PHILOSOPHY:** The visitation policies were developed through deliberate study by staff and student groups. Certain underlying assumptions are reflected in the visitation program at UNCW:
 - a. The purpose of a student's room is primarily for study and sleep, which take precedence over social privileges.
 - b. The nature of the physical facilities, particularly in the traditional residence halls, places certain limitations on the visitation program.
 - c. There is a legitimate need for, and benefit from, providing greater opportunity for contact between students.
 - d. Respect for the wishes and well-being of one's roommate(s) is more important than someone's desire to have guests.
 - e. Cohabitation is not permitted in any university housing facility.
2. **REGISTRATION OF GUESTS:** It is the responsibility of each resident to attend to the registration of a guest in all residence halls except Seahawk Apartments and University Suites. A resident may host no more than three guests at a time. Furthermore, it is the responsibility of each resident to escort the guest(s) at all times while the guest(s) remains in the Guests must carry a valid picture ID when visiting residential facilities. State, government, and military issued IDs are acceptable forms: library cards, debit/credit cards, etc. will not be accepted. Guests must present a valid picture ID to the desk receptionists when checking in. The guest may be required to surrender this ID depending on the technology available. This identification will be returned when the guest leaves the building. False identification will be turned over to University Police for appropriate action. Hosts are responsible for guests' behavior, for any damages incurred, and for the adherence to all university policies and procedures.
3. **LOSS OF PRIVILEGES:** Residents should understand that visitation is not a right, but rather a privilege that may be suspended or revoked at any time for violations of the Department of Housing and Residence Life policies, the Community Agreement, and/or UNCW *Code of Student Life* Visitation privileges may be suspended administratively by Housing and Residence Life or by conduct review

from the Office of the Dean of Students. At any time that a guest's behavior becomes problematic, they may be asked to leave by HRL staff.

- 4. DAYS AND HOURS:** Visitation processes and procedures are in effect at all times, in all residence halls actively being used for student housing. This includes fall, spring, and summer term housing, as well as transition housing periods and early arrivals. Visitation is permitted 24 hours 7 days a week. However, all guests must be registered between the hours of 8:00 a.m. - 11:59 p.m. daily.

In all residential communities, residence life staff regulate the visitation policy through 24-hour service desks and guest registration program. In Seahawk Landing, Seahawk Village, Seahawk Crossing and University Suites visitation policies are to be followed but there is no guest check in at a desk. Additionally, residents are expected to hold themselves and peers accountable for this and all policies outlined by Housing and Residence Life and the *UNCW Code of Student Life*. If residents feel peers are not adhering to expectations outlined in the policy, residents have a responsibility to communicate violations to the appropriate staff in a timely manner. Community Standards and other peer agreements cannot supersede HRL or university policies (meaning a community may not endorse a community standard in their Community Agreement that is also a violation of any campus policy).

- 5. OVERNIGHT GUESTS:** Residents may register overnight guests who are of the same sex at their Front Desk between the hours of 8:00 a.m. - 11:59 p.m. daily. A guest may not be registered overnight more than three nights in a two- week period. Overnight guests in apartment and suite communities are subject to the same expectations outlined in this section. Violations of this policy should be reported to the appropriate residence life staff.
- 6. ESCORT POLICY:** Resident students are responsible for escorting their guests within the building at all times. In addition, residents must supervise their guests within their room/suite/apartment. The resident is responsible for informing their guests of all university policies and regulations and Community Standards for their area. Hosts are responsible for any policy violations committed by their guests, and their guests may be asked to leave by HRL staff for any behavioral issues that occur.
- 7. MINOR GUESTS:** Visiting non-student minors (under 18 years of age) must be accompanied at all times by the resident they are visiting, must present a photo I.D. or show written parental permission for the visit. Non-student minors younger than 17 years of age may not stay overnight.

D. PETS

Residents are permitted to have fish in a 20-gallon tank or smaller as long as the tank is maintained in a sanitary

condition. Fish are categorized by their need to live wholly under water. Expressly prohibited pets include, but are not limited to, cats, dogs, rabbits, snakes, hermit crabs, insects, reptiles, amphibians, birds, gerbils, rodents, etc. (unless said pet is approved in compliance with other university policies herein, such as service animals). Paraphernalia indicative of prohibited pets should not be maintained in residential spaces (cages, pet containers, pet food, etc.). A fine may be assessed for each student who possesses a pet in the student residences. Residents will be assessed for the cost of cleaning and extermination services required due to the presence of illegal pets. Any pets found in violation of this policy may be removed immediately and turned over to the local animal control center or another animal rescue agency. Violations may also be forwarded to the Office of the Dean of Students.

E. NOISE

Residents are expected to use discretion with noise in and around all residential buildings using the following guidelines:

- i. Excessively loud noise is prohibited at all times. If amplified noise is played out of a window or is a persistent problem in or around one's room, suite, apartment or residential building, Housing staff will intervene. Drums and amplified sound equipment are not allowed in any residential building.
- ii. Quiet hours are from 8:00 p.m. to 10:00 a.m. on Sunday through Thursday and on the weekend from 12:00 a.m. to 10:00 a.m. Noise (including loud talking, music and other miscellaneous sounds) outside a resident's room must be kept at a minimum level so that they cannot be heard inside of a resident's room. During final examinations staff will enforce quiet hours 24 hours a day.
- iii. Courtesy hours are always in During courtesy hours, the living environment should be conducive to a student's right to study and sleep in their room at all times. Students should comply with a resident's request to lower any noises that interfere with their ability to study or sleep in their room.

If a resident has a concern with the level of noise, the first step is for her/him to talk to the resident(s) about the concern. If the noise continues after a resident shares their concern, the RA on duty should be contacted.

F. SOLICITATION

In order to maintain the privacy of students living in campus housing, non-residents are prohibited from door-to-door solicitation, distributing flyers, and/or canvassing (including petitioning). University-owned housing may not be used to raise money for any individual or organization other than an officially registered campus organization, and only with the written permission of the Executive Director of Housing and Residence Life or designee.

G. PRIVACY POLICY OF RESIDENTS AND GUESTS

The privacy of the individual is a priority. However, controlling the entry into a residence hall of staff entering student rooms and apartments for specific business purposes at times may be required.

1. BUILDING ENTRY

Housing and Residence Life reserves the right to verify the identity and age of all persons entering the residential facilities. In an effort to maintain the safety of residents and enforcement of policy, backpacks, coolers, and other containers may be subject to inspection prior to entering a residential facility. When requested, individuals may be denied entrance if they fail to cooperate, or if any illicit materials are found.

2. ROOM ENTRY

University officials may enter a room under the following conditions:

- a. When there is sufficient reason to believe that an emergency situation or policy violation exists that poses an immediate danger to the occupants and/or to the facility.
- b. For routine maintenance, cleaning, and health/safety inspections.
- c. To deal with disturbances that are in violation of university regulations and/or violating the rights of other students within the residence hall, apartment complex or suite complex.
- d. When a student who is a resident gives voluntary consent. The student's consent may be freely given and must not be based on coercion or threats by the university and must not be occasioned by a student's fear of reprisal for failure to give consent.
 - i. The intrusion by the employee must be limited to the consent given by the student; for example, if the student consents to entry by the employee, the employee is not entitled to search the student's belongings without obtaining further consent to do so.
 - ii. Any student who is a resident of the room, suite or apartment may consent to entry of the university employee and to a search of that student's personal belongings. However, no student may consent to the search of another student's/roommate's bedroom, closets, locker, suitcases, or other areas under the primary control of another student.
- e. Materials found during entry as described in this section may be used in any university disciplinary proceeding if said material is found in plain sight or during the course of performing the objectives described in sections a, b, c, and d. Materials found beyond the scope of such entry shall constitute a search as defined below and may not be admitted if found in violation of that section. Any unauthorized materials found during an

unauthorized materials found during an entry may be impounded and used as evidence in related criminal and/or campus conduct proceedings.

3. ROOM SEARCH

Searches of student-occupied premises or a student's personal possessions shall be only as authorized by law. A student's room is considered private; a search of residence hall rooms will be guided by the following principles:

University officials and/or University Police may search a room only upon obtaining a legal warrant or consent of the occupants.

Searches of university residence hall rooms by external law enforcement officials will be regarded as a matter between the student and law enforcement officials involved. The university's interest will be limited to requesting that it be notified of impending searches.

H. DAMAGES

Damages to student rooms are the responsibility of the occupant(s). Damage charges will be shared equally by all roommates unless residents provide written notice to the Residence Coordinator of a particular student who may be responsible for the damage (and said student agrees with such claims). In order to prevent misinterpretation, it is suggested that students inspect their rooms thoroughly when completing the Room Condition Report (RCR) upon taking occupancy of a room. This task should be taken seriously and completed in detail.

I. WEAPONS

To provide for the safety and well-being of all members of the residential community, possession of weapons of any type (including paintball guns, BB guns and bows and arrows, or any other weapons prohibited under North Carolina law) are strictly prohibited in residential communities.

J. SMOKING

UNCW is a smoke-free campus as it applies to all academic, student-support and residential buildings. This means that smoking is not permitted in buildings at any time. Smoking is defined as burning any type of tobacco product including but not limited to, cigarettes, electronic and/or vaporized devices, cigars, cigarillos, pipes, and bidis.

There is a 25 ft. no-smoking zone at all UNCW facility entrances and windows. Students found in violation of this policy will be fined at least \$25.00 for their first violation and at least \$50.00 for each subsequent violation. Students must properly dispose of all cigarette butts in order to prevent the risk of brush fires.

K. FIRE SAFETY

Residents are responsible for maintaining the safety of residential spaces by not having items which may pose a fire or safety risk. Candles (ceremonial, decorative, or display), incense, bong, hookahs, fireworks, and non-fire-retardant materials used to decorate are strictly prohibited. No items may be hung on the ceiling or in doorways or hung or affixed

may be hung on the ceiling or in doorways or hung or affixed in any way to windows (including fabric, banners, tapestries, posters, beads, or flags). This includes attaching items to curtains or blinds. All curtains must be flame-retardant and have the appropriate designation. Wall coverings should take up no more than 50% of the wall space. Due to safety concerns, halogen lamps, lava lamps, scooters, electronic skateboards\hover boards are not permitted in residence halls at any time. Storing flammable materials (charcoal, lighter fluid, gasoline, fireworks, lithium ion-based batteries, etc.) inside residential facilities is prohibited. Fire safety equipment and associated mechanisms should never be tampered with by residents or guests. This equipment includes but is not limited to smoke detectors, sprinkler heads, pipes, fire panel displays, etc. Any activity that prevents the designed operation of fire safety equipment is prohibited and will be actionable through the campus conduct system.

IV-1 INTRODUCTION

Students at UNCW are encouraged to organize and join associations to explore their common interests and develop knowledge and skills. Student organizations wishing to be registered with UNCW must form and operate in compliance with university policies. It is through our registered student organizations that the university is able to promote a sense of community and offer students the opportunity to pursue the practice of involvement, leadership, engagement and service.

Although critical to the fabric of campus life, student organizations are independent organizations and are not considered to be an extension of the university. Unless the university has specifically requested that a student organization host an event (and by doing so has deemed the organization an agent of the university), the student organization will not be covered by the university's insurance.

A registered student organization is defined as a group of five (5) or more currently enrolled University of North Carolina Wilmington students who unite around a common interest. Student organizations may have non-student members as part of the student organization but these non-student members are not considered voting members, nor may they serve in an official capacity on behalf of the organization. Unless more specific membership requirements are provided by the appropriate advisory council (appropriate advisory councils are Student Organizations Committee, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council, the United Greek Counsel, and the Interfraternity Council), this section outlines university policies pertaining to the formation and operation of registered student organizations, including actions that may be taken by the university for noncompliance with these policies. In addition to the policies established in this section, organizations must also adhere to all policies set forth by their respective governing bodies.

IV-2 STUDENT ORGANIZATIONS COMMITTEE

- A. Student Organizations Committee (SOC), a standing advisory committee of the chancellor, has the responsibility of reviewing all student organizations for registration and recommending policy and processes to the The committee has 14 members: five students appointed by Student Government Association for one year, renewable terms and five faculty appointed by the chancellor for three-year terms. The executive director of campus life, the director of student involvement and leadership, the associate director of student involvement, and the assistant director of student involvement are all ex-officio members and serve as advisors without a vote.

A chairperson will be elected each year by majority vote and will begin their term with the first meeting of the fall semester. The position of the chairperson is only open to voting members of the committee. The assistant director for campus activities & involvement will fulfill the role of the convener and will work with the chairperson to prepare for all meetings. The chairperson shall attend and preside over all meetings. They shall also sign all official documents of the SOC.

The convener shall call meetings and arrange to notify members of the committee with a minimum of four days advance notice. They shall also maintain all minutes and official documents and keep accurate files in the Campus Activities & Involvement Center.

The chairperson may be removed from office by at least a two-thirds vote of the SOC for non- fulfillment of duties. In the event that the chairperson leaves or is removed before completing the term of service, a replacement will be elected by the voting members to serve to the end of the term.

B. Responsibilities of the committee include:

1. Reviewing, approving and revoking registration of student organizations.
2. Formulating, reviewing and approving policies governing student organizations for submission to the chancellor for final approval.
3. Considering appeals that pertain to registration procedures.
4. The SOC has continuing authority to review the purpose and activities of any registered student organization and to classify organizations in categories according to risk associated with their activity. The SOC has continuing authority to require participants of any registered student organization and the organization itself 1) to maintain appropriate insurance coverage and to submit proof of coverage, and/or 2) to submit valid waiver(s) of liability or assumption of risk statement(s) that protect(s) the university to the greatest extent possible from the risk of liability because of the activities of the organization.

IV-3 APPLYING FOR REGISTRATION AS STUDENT ORGANIZATION

- A. Students planning to develop a student organization must register their intent and provide written justification for the organization's establishment in the Campus Activities & Involvement Center (CAIC), including a draft constitution, and must have at least five (5) University of North Carolina Wilmington currently enrolled students interested in starting the organization. Groups which have filed this "Intent to Register Form" and submitted the draft constitution shall be granted provisional status and the use of university facilities for organizational or recruitment meetings. Organizations under this status are not eligible to reserve university space for events, fundraiser on campus or establish an on-campus If the registration process is not complete within 30 days, provisional status and permission for use of university facilities and services may be terminated (see Section VI), and pending reservations may be canceled.
- B. To apply officially to SOC for registration, a group must submit a copy of its constitution at the Campus Activities and Involvement Center (CAIC). The staff in CAIC will then work with the group on its constitution to prepare it for SOC review. The group must submit a final draft one week prior to the scheduled SOC meeting at which the constitution will be reviewed.
- C. One of the following decisions will be made after a constitution is submitted to the SOC:

1. The constitution will be approved.
 2. The constitution will be approved with suggestions for minor revisions.
 3. The constitution will be rejected because major revisions are required.
- D. The final stage of the registration process is to meet with a Student Involvement staff member or Involvement Specialist to learn about the resources and benefits of being a student organization and set up the organization's WaveLink account.
- E. Once an organization has been approved, the Student Involvement staff will provide current guidelines, policies, procedures, and Registered student organizations must then continue to re- register annually each spring.

IV-4 RIGHTS/PRIVILEGES OF REGISTERED STUDENT ORGANIZATIONS

- A. A registered student organization is entitled to:
1. Be listed as a registered student organization. Only student organizations registered by SOC and in good standing with the university (meaning not on disciplinary probation) may use the name of the university or an abbreviation of it as a part of their name.
 2. Sponsor or present a public event on university property. Organizations undertaking this activity may consult with the Student Involvement staff for procedures and approval.
 3. Raise funds or make other permissible solicitations on university property in accordance with university policy (see Section V-3).
 4. Reserve the use of university facilities and services (see Section V and VI-2).
 5. Be eligible for possible funding by the UNCW Student Government Association according to Student Government Association guidelines.
 6. Be listed on the "Student Organizations" web page for UNCW.
 7. Appoint or elect an advisor of the organization's choice; although strongly recommended, an advisor is not required.
 8. Utilize the resources and services provided in the Campus Activities and Involvement Center.
 9. Have access to technological resources provided by ITSD such as a web page, or UNCW e- mail account.
- B. Policies and actions of a student organization will be determined by those persons who hold a bona fide membership in the organization.

IV-5 RESPONSIBILITIES OF REGISTERED STUDENT ORGANIZATIONS

A registered student organization must:

- A. Adhere to all university policies and procedures governing student organizations including but not limited to:
1. Adhere to student standards of conduct (II-2)
 2. Reserving space (VI-1)
 3. Posting publicity such as posters and banners (VI-3)
 4. Political and religious activity (VI-4)
 5. Solicitation both on and off campus (VI-5)

6. Responsible use of information technology resources (Policy 07.100)
 7. Event registration
 8. Travel guidelines.
- B. Have five (5) or more currently enrolled UNCW students. Student organizations may have non-student members as part of the student organization but these non-student members are not considered voting members nor may they serve in an official capacity on behalf of the organization.
 - C. Update organization information, including officer contact information, with Student Involvement through WaveLink, the online student organization information database, by the date set annually (date is published in student organization registration materials and posted on-line at uncw.edu/studentorgs). In addition, student organizations must register a complete list of officers and other members of the organization who are authorized to speak for or represent the organization and who are designated to (including, but not limited to) sign paperwork, reserve space, file and manage appropriations and receive for the organization official notices, directives or other information from the university. Advisors (non-students) may not be designated to act on behalf of the student organizations in the above stated areas. Authorized individuals shall be kept current and accurate throughout the year by the organization.
 - D. Maintain a current electronic file through WaveLink of its SOC approved constitution which includes the stated mission of the organization. The stated mission must have a direct correlation to the purpose of the organization. In the event that the organization revises its constitution, the revised document must be submitted to CAIC for review. This document should include a dateline to reflect when organization approval was obtained and should be supported by documentation of the changes that were made (i.e. meeting minutes, signatures of approval, etc.)
 - E. Send at least one representative to a Re-Registration Seminar to receive policy and resource information related to student organizations as well as training on how to effectively coordinate events on behalf of an organization.
 - F. If funded by SGA, use a UNCW account for deposit and use of funds. In addition, if funded through a SGA operational budget, send at least one student representative to meet with the campus life business operations coordinator to discuss funding policies and procedures.
 - G. Advertise or promote events or activities in a manner that does not suggest falsely that the event or activity is sponsored by the university.
 - H. Plan and conduct activities furthering the purpose of the group as stated in its constitution.
 - I. Adhere to all national policies if nationally affiliated.
 - J. State that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed by UNCW.
 - K. If a Greek-lettered organization, through its affiliation with a Greek Council, is advised by Fraternity and Sorority Life, they must register all social events with FSL a minimum of 5 business days before an event and submit a guest list 24 hours prior to the event start time. The link for registered events is can be found [HERE](#). This registration process is designed so the university may help chapters host safe events by providing the necessary resources, including but not limited to those

outlined in the Recommended Guidelines for Fraternity and Sorority Events with Alcohol, which are adapted from the North American Interfraternity Conference Alcohol & Drug Guidelines. Annually, beginning each August, the response for non-registration of a chapter social event will be a required meeting with a staff member in Fraternity and Sorority Life. Subsequent violations may result in a formal conduct charge of “failure to comply” through the Office of the Dean of Students.

- L. If affiliated with the Sport Club Council; each member must submit a waiver and have it on file with the Competitive Sports Office prior to participation in any practice, competition or other physical activity; complete a swim test as required for all water based activities; file required float or route plans prior to activities; submit an Event Request form ten (10) business days prior to the event date and attend a home event meeting the week prior to the event; submit a Travel Request ten (10) business days prior to the date of travel to the Coordinator of Competitive Sports-Sport Clubs and attend a pre-trip meeting the week of the travel.
- M. It is the policy of UNCW that registered student organizations practice an open membership policy for members of the university community without regard to age, color, disability, national origin, race, religion, military service member or veteran status or sexual orientation. Membership and participation in registered student organizations must be open to all currently registered students without regard to gender, unless exempt under Title IX (See Federal Law I).
- N. Registered student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the group to students who, upon individual inquiry, affirm that they support the group and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of their age, race, color, national origin, disability, religious status or historic religious affiliation, military veteran or service member status, sexual orientation, or, unless exempt under Title IX, gender.
- O. All fee sponsored programming must be open to the entire university All registered student organizations and their leaders must further comply with the *UNCW Code of Student Life*, University policies and applicable state, federal and local laws.
- P. Provide proof of general liability insurance to hold certain activities using university facilities, as registered student organizations are not covered by the university’s liability insurance.

IV-6 REGULATIONS FOR REGISTERED STUDENT ORGANIZATIONS HOSTING SPEAKERS/EVENTS

- A. When a student organization sponsors a third party speaker/event, a student organization representative must serve as the main point of contact for planning the event and reserving university space. The Student Involvement and Campus Life, Conferences, Events and Reservations staff will work directly with student organization leaders when reserving space or planning event logistics.
- B. Student organization leaders must be present throughout the entire event. This includes all planning meetings, pre-

- entire event. This includes all planning meetings, pre speaker/event set-up and load in, through the entire performance/event, and for the entirety of post event break down and clean up. The sponsoring student organization will be required to have representatives available throughout the speaker/event to answer questions or respond to concerns. These organizational representatives will be given a button or laminate provided by the Student Involvement staff so they are easily identifiable to staff, students, and audience members.
- C. The Campus Life Conferences, Events and Reservations Office will forward reservation requests for speakers/events to the University Police for guidance on security and crowd control staffing needs.
 - D. Once University Police make a recommendation for security personnel, all fees associated with security needs will be charged to the sponsoring student organization.
 - E. All charges for audio-visual needs, extended hours fees, security fees, or other required charges will be paid by the sponsoring student organization. No third party payment(s) will be accepted for a student organization-sponsored event using space as a Tier One user. It is also important to note that any event which requires a registration or attendance fee is automatically subject to room rental fees (see UNCW Facilities Use Policy-02.140).
 - F. Student organizations are required to include the statement that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed by UNCW. This information should be included in advertisements for the speaker/event (see *Code of Student Life* Section IV-5-J).

IV-7 ANNUAL REVIEW OF ORGANIZATIONS

- A. Annually, in the spring semester, the Student Involvement staff shall review the status of all organizations to determine whether they meet eligibility requirements specified previously and are conducting their affairs in accordance with SOC guidelines and policies outlined in the *UNCW Code of Student Life*. Specific deadlines for registration materials will be set by CAIC each spring semester (deadline date is published in Student Involvement registration materials and posed on-line at uncw.edu/studentorgs).
- B. If Student Involvement determines that an organization has not completed the re-registration process; is ineligible for renewal of registration; is inactive, or conducts its affairs in violation of university policies and procedures; the organization shall be notified in writing of each deficiency. If the organization fails or refuses to attempt to remedy each deficiency, Student Involvement staff may place the organization in provisional status, thus limiting its privileges until all requirements are fulfilled, or deem the organization as inactive. Organizations may submit a written appeal of Student Involvement's classification to the SOC within ten (10) business days of being notified.
- C. A student organization which is inactive for more than four consecutive semesters may reapply for registered status by submitting an "Intent to Register Form" and draft constitution as though it were a new student organization.
- D. If, upon review, the SOC discovers that a student organization has revised its constitution so that it no longer complies with university policy, the organization will be notified in writing. If the constitution is not revised within ten (10) business days, the organization's registration status and all its privileges will be

revoked. Should the student organization choose to revise its constitution after the ten (10) days, it must submit an “Intent to Register Form” and draft constitution as though it were a new student organization.

IV-8 GOVERNING BODIES

The SOC has established thirteen (13) categories of student organizations. These categories are Academic, Professional, MultiCultural, Graduate Student Associations, Fraternities and Sororities, Honorary, Media, Political/Activist, Religious, Performance/Visual Arts, Service, Special Interest and Sports and Recreation. In addition, there are nine established governing bodies: Student Government Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, United Greek Council, Residence Hall Association, Student Media Board, Graduate Student Association and the Sport Club Council. Governing bodies serve to represent, connect and provide services for other student organizations with similar missions and/or student populations that fall under their jurisdiction.

The Campus Conduct Board plus two (2) designees from the appropriate advisory council (appropriate advisory councils are SOC, Sport Club Council, Graduate Student Association, Interfraternity, Panhellenic Council, United Greek Council, and National Pan-Hellenic Council) will serve as the original hearing body for any conduct issues.

IV-9 INITIATION OF PRELIMINARY INVESTIGATION, DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION FOR STUDENT ORGANIZATIONS

Under the direction of the chancellor, the vice chancellor for student affairs has primary responsibility and authority for the administration of student organization conduct. Further delegation of this authority may be made by the vice chancellor for student affairs to the Office of the Dean of Students and to disciplinary bodies, such as Student Organization Conduct Board (SOCB). (See also [700.4.1.1](#).)

A. FILING COMPLAINTS

At the request of any registered student organization, staff member, faculty member or student; or based on a complaint about the organization or its members; or based on alleged policy violations, the university may initiate a preliminary investigation. Grounds for conduct review include, but are not limited to, alleged violation of rules by the organization as listed in Section II-1-B.

B. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student organization president via their UNCW e-mail address. The University of North Carolina Wilmington regards e-mail as an official method of communication with students, staff and faculty. The university reserves the right to use other reasonable means to notify a student organization.

C. STANDARD OF PROOF

The standard of proof for all student organization conduct cases will be preponderance of evidence which means there is greater than a 50% likelihood the student organization is responsible for the alleged violation(s).

D. PRELIMINARY INVESTIGATION

When the dean of students receives information that a student organization has allegedly violated university regulations or local, state or federal law, the dean shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible.

During the preliminary investigation/conduct review process, the president of the student organization plus one additional executive board member from the student organization, will be permitted to represent the student organization. Prior to disciplinary action or sanctioning, the Office of the Dean of Students shall investigate the alleged violation(s).

If a student organization is involved in more than one conduct proceeding concurrently, the proceedings may be combined at the discretion of the dean of student provided the proceedings have the same student organization respondent.

E. ADMINISTRATIVE MEASURES

INTERIM SUSPENSION

1. Interim suspension is an action requiring that a student organization immediately suspend all operations. It may be imposed upon a student organization by the vice chancellor for student affairs when there is reasonable cause to believe, based on available information, that the student organization may be an immediate threat to the safety of its membership, other members of the university community or university property or is persistently disruptive to the university community.
2. Any student organization suspended on an interim basis and continues to operate during the suspension shall be subject to further disciplinary action.
3. When a student organization is suspended on an interim basis, the organization is given notice containing the reasons for suspension, the duration and any conditions that apply and a link to the website for the *UNCW Code of Student Life*. A student organization notified of such interim suspension may, within ten (10) business days of the written notice of suspension, request through the dean of students a hearing to determine the responsibility or non- responsibility of the student organization charged and the appropriate sanction and whether the conditions of the interim suspension should continue. A regular hearing, where normal procedures apply, before the SOCB shall normally be conducted within five (5) business days of the student organization's request for a hearing. The vice chancellor for student affairs will make the final decision on whether the case will be reviewed by the SOCB. Reasonable extensions of time may be permitted.

WITNESSES

Witnesses that have been interviewed by the university may be called to testify at a student organization's conduct hearing. A student organization's members are expected to refrain

from any intrusion, harassment or retaliatory behaviors against any witnesses involved in a UNCW preliminary investigation and/or conduct hearing. Reports of improper behavior may be investigated by the Office of the Dean of Students and, if substantiated, may result in the student organization and any individuals involved facing formal campus conduct charges.

CEASE AND DESIST ORDER When a student organization is under investigation for an alleged violation of the *Code of Student Life*, a cease and desist order may be implemented by the Office of the Dean of Students. The cease and desist order requires that a student organization cease and desist all actions and operations, with the exception of meetings by the general membership to discuss the reported situation and possibly to prepare for a conduct hearing. Failure to adhere to the cease and desist order will result in a charge of the *Code of Student Life* Section II-1-B-10 for failure to comply with university directives.

F. SUMMONING A STUDENT ORGANIZATION PRESIDENT FOR A CONFERENCE OR PRE-HEARING MEETING

Should a student organization president not appear when requested by the dean of students, the dean of students may formally summon the student organization president to appear for a conference or pre-hearing meeting in connection with an alleged violation by sending them notification (pursuant to Section IV-9-B).

A conference is a meeting where the dean of students will share information with the student organization president related to a report that has been filed with the university to make the organization aware that they are being investigated. The university may also inquire of the student organization's knowledge or involvement related to the alleged incident(s).

A pre-hearing meeting is designed to acclimate the student organization to the campus conduct process. It includes familiarizing the student organization president with student organization rights and responsibilities, explaining the charge(s), hearing options, and options for consultation during the process.

This notification shall direct the student organization president to appear at a specified date, time and place not less than three (3) business days later. The letter shall also describe briefly the alleged violation(s).

G. PRE-HEARING MEETING AND HEARING OPTIONS

After completing a preliminary investigation, the Office of the Dean of Students may:

1. Find no basis for the complaint and dismiss the allegation as unfounded; or
2. Summon the student organization president for a conference, or,
3. Summon the student organization president for a pre-hearing meeting. If the student organization president fails to respond to a notification and the required pre-hearing meeting, they forfeit the

option to request whether the case is heard administratively or by the SOCB. The student organization president will be notified by e-mail sent five (5) business days prior to a hearing before an administrative hearing officer or the SOCB.

4. Proceed administratively by informing the student organization president of the following options for resolution of the disciplinary charges during the pre-hearing meeting:
 - a. Disagree with the charge(s) and request a hearing before the SOCB. The SOCB is comprised of two (2) students currently serving on CCB (CCB), one (1) faculty member currently serving on Campus Conduct Board and two (2) student designees from the appropriate governing body from which the student organization is a member (governing bodies include: Student Government Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, United Greek Council, Residence Hall Association, Student Media Board, Graduate Student Association and the Sport Club Council. If the student organization is found to be responsible by the SOCB, appropriate sanctions will be determined.
 - b. Agree to the charge(s) and elect for the SOCB to determine appropriate sanctions.
 - c. Agree to the charge(s) and elect for an administrative hearing before the dean of students to determine an appropriate sanction. The dean of students may elect not to hear the case, in which case the matter would be heard by the SOCB. If the student organization is found to be responsible by the dean of students, appropriate sanctions will be determined.
 - d. Agree to the charge(s) and request an immediate administrative “sanctioning” hearing which is conducted by the dean of students to determine appropriate sanctions for an organization based on its acceptance of responsibility for the/all charge(s). The dean of students may elect not to hear the case. The case would then be heard by the SOCB.

If the student organization president fails to appear, all allegations against the student organization shall be deemed to be denied. When appropriate, sanctions will be determined and the student organization president will be notified by e-mail.

H. STUDENT ORGANIZATION RESPONSIBILITIES

Student organizations in the student conduct process have the following responsibilities:

1. To know and adhere to the *UNCW Code of Student*

- Life.
2. To be honest and complete in all information they provide in the process.
 3. To attend all meetings or hearings in a timely manner.
 4. To complete any imposed sanctions on time and consistent with the final decision in their case.
 5. To participate in a manner that is civil and respectful.

I. STUDENT ORGANIZATION RIGHTS

All student organizations are entitled to the following rights prior to a student organization conduct hearing:

1. To a pre-hearing meeting with the dean of students where rights, responsibilities and procedures are explained.
2. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be provided to the student organization president.
3. To review all available information, documents, and a list of witnesses that may provide testimony about the case. This is a continuing obligation of the dean of students.
4. To choose an Administrative or SOCB hearing. (The dean of students may elect not to hear the case. The case would then be heard by the SOCB.
5. To appear in person, hear all testimony and present any relevant information on the student organization's behalf, call witnesses and ask questions of any witnesses at the hearing.
6. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the student organization's absence). A student organization that elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
7. To know the identity of witnesses who may provide testimony about the case.
8. To a university advisor, licensed attorney or non-attorney While the licensed attorney or non-attorney advocate may participate to the same extent as the student organization's president, the university advisor may not actively participate in the hearing.
9. To refuse to answer any questions or make a statement – however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
10. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
11. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
12. To have one level of institutional appeal.

J. UNIVERSITY ADVISORS, LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES (UNC Policy 700.4.1.1) UNIVERSITY ADVISORS

Upon the request of the student organization president, the Office of the Dean of Students will appoint a university advisor to assist a student organization prepare for a hearing. The advisor may not speak on the student organization's behalf at the hearing. The advisor's role is to:

- a. Advise the student organization concerning the preparation and presentation of its case;
- b. Accompany the student organization to all conduct proceedings as requested by the organization; and
- c. Have access to all materials relating to the case as provided by the student organizations.

LICENSED ATTORNEY & NON-ATTORNEY ADVOCATES

Student organizations that have been accused of a violation of the *Code of Student Life* may be represented by a licensed attorney or non-attorney advocate during an administrative or SOCB hearing.

A student organization that elects not to appear at a hearing may not be represented by a licensed attorney or non-attorney advocate at the hearing.

When scheduling a student organization conduct hearing, the Office of the Dean of Students will make reasonable efforts to accommodate a licensed attorney or non-attorney advocate; however, the availability of students, witnesses, the designated administrator, board members and other necessary participants may take priority when determining the date and time of the hearing.

A student organization who chooses a licensed attorney or non-attorney advocate will be responsible for any expenses that may be incurred.

1. Requirements to Serve As A Licensed Attorney or Non-Attorney Advocate

In order for a licensed attorney or non-attorney advocate to represent a student organization in a conduct hearing, the student organization must provide the Office of the Dean of Students with the two (2) documents described below. These two (2) documents must be submitted within five (5) business days following the pre-hearing.

a. Notice of Representation

Student organizations that plan to have a licensed attorney or non-attorney advocate represent them during the conduct hearing must notify the Office of the Dean of Students in writing. This notification must include:

- i. The identity of the licensed attorney or non-attorney advocate;
- ii. Whether the individual is a licensed attorney or non-attorney advocate;
- iii. An address, telephone number and e-mail address where the licensed attorney or non-attorney advocate can be reached.

b. Certification by Licensed Attorney or Non-Attorney Advocate

Student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a conduct hearing must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

- i. *UNCW Code of Student Life*, and
- ii. Section 4.1 and Section 700.4.1.1 of the *UNC Policy Manual*.

2. Participation of Licensed Attorneys or Non-Attorney Advocates in Disciplinary Procedures

Consistent with the rules, policies or guidelines governing the university's conduct hearing, licensed attorneys or non-attorney advocates may fully participate in conduct hearings only to the extent afforded to the student organization they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt or otherwise interfere with a conduct hearing.

An attorney or other individual representing the university may participate in a conduct hearing in which a licensed attorney or non-attorney advocate represents a student organization.

K. PROCEDURAL STANDARDS FOR ADMINISTRATIVE CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence which will be introduced at the hearing. Any student organization charged with an infraction under the *UNCW Code of Student Life* shall be presumed not responsible until proven responsible by a preponderance of evidence.
2. In all cases, formal rules of evidence shall not be strictly followed by the administrative hearing officer; hearsay shall be admissible and any credible source, and documentary or testimonial shall be competent to establish the truth or falsity of the All evidence will be admitted except that which is irrelevant or repetitious.
3. SOCB records are maintained in the Office of the Dean of Students. A written record of the proceedings and action taken will be filed with SOCB and the appropriate office responsible for the student organization (Fraternity and Sorority Life, Student Involvement, Campus Recreation, etc.)
4. No administrative hearing officer who has a personal interest in the particular case may sit in judgment during the proceeding. If an administrative hearing officer refuses to recuse themselves due to a conflict of interest, the dean of students will make the excusal decision. The student organization will also be given the opportunity to challenge an administrative hearing officer or official on these grounds. In such cases in which an administrative hearing officer cannot serve due to a conflict of interest, an administrative hearing officer

may be appointed by the dean of students to serve for the duration of the hearing.

L. ADMINISTRATIVE HEARING PROCEDURE

1. Prior to a hearing, the student organization is entitled to rights outlined in Section IV-9-I.
2. If a student organization requests an administrative hearing before the dean of students, the administrator will provide the student written notice of the date, time and place of the hearing to the respondent at least five (5) business days prior to the hearing. The student organization president may waive all or part of the five (5) business days written notice requirement. All waivers shall be submitted in writing to the Office of the Dean of Students.
3. Administrative conduct hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension, the student organization is entitled to the following:
 - a. A written notice of the charge(s), including possible
 - b. Review of all available information, documents and
 - c. A list of witnesses that may provide testimony about the case.
 - d. An outline of student organization rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the student organization receives notice of the referral, unless the student organization waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the student organization president and the dean of students.
 - f. Written notice will be sent via e-mail to the student organization president.
5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
6. The dean of students shall:
 - a. Set the date, time and place for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the student organization president in writing of the following:
 - i. The date, time and location for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. The names of witnesses who may provide testimony about the case.
 - iii. The charges against the student organization.
 - iv. The dean of students may question a student testifying on the student organization's behalf or question the members

benail or question the members of the student organization if they testify on behalf of the student organization.

7. If a student organization chooses to present witness testimony at an administrative hearing it is the student organization's responsibility to notify the witness(es) of the day, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
8. If the student organization fails, without good cause, to comply with the letter sent under this section, the dean of students may proceed with the hearing in the student organization's absence, as has been outlined.
9. A final administrative decision will normally be determined immediately, but must be determined within ten (10) business days after the date of the hearing. The case resolution form will be presented to the student organization in writing.

M. STUDENT ORGANIZATION CONDUCT BOARD (SOCB)

1. The SOCB is activated when a student organization requests a hearing before the SOCB or if a case is referred by the Office Dean of Students. The dean of students serves as the advisor to SOCB. The members are:
 - a. Two (2) students currently serving on CCB.
 - b. One (1) faculty member currently serving on CCB.
 - c. Two (2) student designees from the appropriate governing body from which the student organization is a member (appropriate governing bodies are Student Government Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, United Greek Council, Residence Hall Association, Student Media Board, Graduate Student Association and the Sport Club Council).
2. The dean of students will select and train SOCB members and chair.
3. If a full board cannot be convened, quorum may consist of three (3) members, with a requirement of one (1) faculty member currently serving on CCB, one (1) student currently serving on CCB and one (1) designee from the appropriate governing body from which the student organization is a member.
4. Jurisdiction of SOCB
SOCB may have, at the request of a student organization or the dean of students, original jurisdiction in student organization conduct cases.

N. PROCEDURAL STANDARDS FOR SOCB CASES

1. The decision shall be based solely upon such matters and must be supported by the evidence which will be introduced at the hearing. Any student organization charged with an infraction under the *UNCW Code of Student Life* shall be presumed not

UNCW Code of Student Life shall be presumed not responsible until proven responsible by a preponderance of evidence.

2. In all cases, formal rules of evidence shall not be strictly followed by the SOCB; hearsay shall be admissible and any credible source, and documentary or testimonial shall be competent to establish the truth or falsity of the charges. All evidence will be admitted except that which is irrelevant or repetitious.
3. SOCB records are maintained in the Office of the Dean of Students. A written record of the proceedings and action taken will be filed with SOCB and the appropriate office responsible for the student organization (Office of Student Leadership and Engagement, Campus Activities and Involvement Center, Campus Recreation, etc.)
4. No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to recuse themselves due to a conflict of interest, the dean of students will make the excusal. The student organization will also be given the opportunity to challenge a committee member or official on these grounds. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the vice chancellor for student affairs to serve for the duration of the hearing.

O. STUDENT ORGANIZATION CONDUCT BOARD HEARING PROCEDURE

1. Prior to a hearing, the student organization is entitled to the rights outlined in V-9-I.
2. If a student organization requests a SOCB hearing, the dean will forward written notice of the date, time and location of the hearing to the respondent at least five (5) business days prior to the hearing. The student organization may waive all or part of the five (5) business days written notice requirement. All waivers shall be executed in writing.
3. SOCB hearings are closed hearings which are closed to the general public.
4. Prior to a hearing in cases which may involve suspension the student organization is entitled to the following:
 - a. A written notice of the charge including possible sanctions.
 - b. Review of all available information, documents, exhibits.
 - c. A list of witnesses that may provide testimony about the case.
 - d. An outline of student organization rights.
 - e. A formal hearing date scheduled no less than ten (10) business days after the student organization president receives notice of the referral, unless the student organization president waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the student organization president and the dean

- organization president and the dean.
- f. Written notice will be sent via e-mail to the student organization president.
 5. Reasonable extensions of time for either party to prepare for the hearing may be allowed.
 6. The dean of students shall:
 - a. Set the date, time and location for the hearing.
 - b. Summon university witnesses and prepare evidence for each hearing.
 - c. Notify the student organization president in writing of the following:
 - i. The date, time and location for the hearing - the letter shall specify a hearing date not less than five (5) business days after the official notice is sent.
 - ii. The names of witnesses who provide testimony about the case.
 - iii. The charges against the student organization.
 - iv. The dean of students may question a student testifying on the student organization's behalf or question the members of the student organization if they testify on behalf of the student organization.
 7. A student organization president may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing may be allowed. SOCB, with good cause, may postpone or continue the hearing and notify all interested persons of the new hearing date, time and location.
 8. If a student organization chooses to present witness testimony at a SOCB hearing it is the student organization's responsibility to notify witness(es) of the date, time and location of the hearing. Additionally, a list of witnesses and copies of any documentary evidence must be presented to the Office of the Dean of Students at least two (2) business days prior to the hearing.
 9. If a student organization fails, without good cause, to comply with the letter sent under this section, the dean of students may proceed with the hearing in the student organization's absence, as has been outlined.
 10. SOCB shall proceed generally as follows during the hearing:
 - a. SOCB chairperson states the hearing is closed to the public.
 - b. The chairperson of SOCB informs the student organization president of their rights and asks the student organization president whether they agree or disagree to the charge(s) before SOCB.
 - c. The university presenter presents the university's case and may call
 - d. The student organization president and the SOCB may question the university

- the SOCB may question the university presenter and/or each witness called.
- e. The student organization president presents their case and may call any witnesses they have present.
 - f. The university presenter and the SOCB may question the student organization president and/or each witness called.
 - g. The university presenter and the student organization president present rebuttal evidence and final statements. Both the university presenter and the student organization president may make closing statements.
 - h. SOCB deliberates in a closed session and decides the issue of responsible or not responsible for each charge.
 - i. If the SOCB finds the student organization not responsible for all charges, the hearing is concluded.
 - j. If SOCB finds the student organization responsible for one or more charges, the university presenter and student organization president may present evidence and argument on an appropriate sanction.
 - k. If SOCB finds the student organization responsible, the university presenter will indicate whether the student organization has any prior findings of responsibility for conduct violations.
 - l. SOCB deliberates in a closed session and determines appropriate sanctions.
 - m. SOCB renders a written decision as to whether they find the student organization responsible or not responsible for the charge(s). The decision states the sanction, if any, and the right to appeal. The student organization president and university presenter shall each be given a copy of the A final SOCB decision will normally be determined immediately but must be determined within ten (10) business days after the date of the hearing. The case resolution form including the final decision and containing a brief summary of the evidence will be presented to the student organization president in writing. This will generally occur immediately following the hearing, however may take up to five (5) business days.

11. The student organization conduct file consists of:
 - a. The original referral.
 - b. All correspondence directed to the student organization president.
 - c. All material presented to, or considered by, the SOCB.
 - d. The official case resolution form.
 - e. Appeal documentation submitted, if any.

The student organization president may submit an appeal to the vice chancellor for student affairs. An “Intent to Appeal” must be filed with the Office of the Dean of Students within two (2) business days after notification of the original decision. The “Request for Appellate Consideration Form” must be submitted within five (5) business days after notification of the original decision. Notification is defined as the date the case resolution form is given to the student organization president in person, or the date stamp of the e-mail sent to the student organization president. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student organization’s appeal. Original sanctions (with the exception of interim suspension) are normally put into effect only after an appellate decision has been made or the timeline for appeal has expired.

1. Procedure

- a. The function of the vice chancellor for student affairs in reviewing an appeal is that of checking the action of the administrative hearing officer or SOCB to determine if:
 - i. An alleged violation of the rights guaranteed the student organization has occurred;
 - ii. The sanction is too severe for the violation; or
 - iii. New evidence has developed which has bearing on the outcome.
- b. Upon receiving a petition, the vice chancellor for student affairs shall obtain the record of the administrative hearing officer/SOCB. Such record shall include relevant documents, the case resolution form, case summary, and rationale for supporting the decision.
- c. With this information, the vice chancellor shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. The respondent will be notified in writing of a decision regarding whether the appeal will be heard within ten (10) business days after receipt of the Reasonable extensions of time may be allowed.
- d. If the vice chancellor for student affairs determines that an Appellate Review is granted, the Review shall be held within (5) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and location of the Review and informing the student organization president of the organization’s rights (as outlined in Section IV-9-I).
- e. The vice chancellor for student affairs will review written correspondence associated with the case, may request additional documents and information

from the hearing officer/SOCB, and may invite the student organization president, the original administrative hearing officer/SOCB member(s), and such other persons as deemed appropriate to appear to make statements and respond to questions.

- f. After the Appellate Review is concluded, the vice chancellor for student affairs will make a final decision which will be communicated to the student organization president within two (2) business days.
- g. The vice chancellor for student affairs has the authority to approve, reject or modify the decision in question consistent with this Code or send the appeal to the SOCB for review (if the original decision was made by an administrative hearing officer) or remand the case back to the same SOCB (if the original decision was made by SOCB).

Q. **AUTHORIZED DISCIPLINARY SANCTIONS**

Range of sanctions includes, but are not limited to:

Written Warning – is a status of warning at least through the end of the next full semester, which terminates automatically when the imposed period expires.

Disciplinary Probation – is a status of probation for typically no less than one year which terminates automatically when the imposed period expires provided the organization has made any additional requirements made by the sanctioning body associated with their case. An organization placed on disciplinary probation is considered not to be in good standing with the university and may be prohibited from participating in certain university experiences and opportunities.

As part of disciplinary probation, an organization may have restrictions placed on specific privileges as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probationary period. In the event of a further violation of university policy or other applicable rules while on disciplinary probation, the university will seek the penalty of suspension (or extended suspension or permanent revocation of recognition as an organization at UNCW for organizations already under suspension status).

Suspension: Withdrawal of student organization registration status for a specified period of time and carries with it conditions which must be met for re-registration.

Re-registration after a suspension period requires that the organization apply to the associate vice chancellor/dean of students at the close of the imposed period, and the dean will determine whether the organization has met the conditions imposed and is otherwise eligible for re-registration. A denial may be appealed to the vice chancellor for student affairs.

Social Probation: Prohibits a student organization from

hosting or attending social events, with or without alcohol for a time period no less than eight (8) weeks from notification of the final decision of a conduct review. Social events include, but are not limited to, parties, mixers, date parties, formals and semi-formals.

Restitution: As part of the disciplinary process, SOCB or the administrative hearing officer may impose specific conditions (e.g., requirement of student organization to reimburse for damage or destruction or misappropriation of university property or property of any person, and restitution in the form of appropriate service to be performed). Reimbursement may take the form of appropriate service for repair or otherwise compensate for damages.

The university reserves the right to impose other educational sanctions appropriate to the offense(s).

R. DISCIPLINARY RECORDS

Records of all student organization conduct cases will be maintained by the Office of the Dean of Students, and are not protected by the Family Educational Rights and Privacy Act (FERPA).

USE OF UNIVERSITY FACILITIES

The university permits the orderly use of facilities by registered student organizations (RSOs) to further the educational process. RSOs desiring to use a university facility must comply with certain university policies and procedures so that institutional property may be protected and that the facility use is consistent with this designated intent. A “facility” is defined to include a classroom, lecture hall, housing and food service facilities, auditorium, Campus Life facilities, other buildings, and outdoor areas of campus. University-sponsored activities shall be given priority in the use of facilities over non-university groups or individuals.

Non-university individuals or groups that are not sponsored by a RSO or other university-related group are subject to (i) Policy 02.340 Freedom of Expression by Non-Sponsored, Non-University Sponsored Individuals or Groups, which is reprinted in the *Code of Student Life*, (ii) Section V-5, Solicitation, and (iii) Policy 02.140 Facilities Use and its accompanying Procedures.

V-1 RESERVING SPACE

- A. Generally, RSOs and other university-related groups that desire to utilize facility space must obtain permission from appropriate university officials. The RSO reservation delegates may request space via the Campus Reservations System.
 - 1. Students who desire to form a new organization will be permitted limited use of university facility space for organizational meeting purposes only after filing an Intent to Register form with the Campus Activities & Involvement Center (see Section VI-2).
 - 2. Outdoor activities conducted in accordance with Section V-3-C generally do not require advance permission or reservation, except when a table is required.
 - 3. Additional requirements related to scheduled events, such as food service, are contained in Policy 02.140 Facilities Use and its accompanying Procedures.
- B. RSOs and other university-related groups may utilize facilities when sponsoring political and religious activity, in accordance with these procedures and Section V-4, Political and Religious
- C. Campus Life Conferences, Events and Reservations staff is responsible for facilities information and maintaining a listing of contact officials for the reservation of university facilities. Please refer [here](#) for reservation information.
- D. An RSO or individual student who wishes to reserve one of the university facilities listed above should contact the office Procedures for the use of facilities identified above can be reviewed in each responsible office.
- E. Any peaceful assembly, protest or demonstration organized or sponsored by a RSO where 50 or more people are expected to participate, or where amplified sound will be used, must be registered with Campus Life prior to the event. Whenever possible, at least 48 hours lead time should be given to allow the university adequate time to assess the need for, and arrange, security. However, this provision is not intended to limit the ability of students to engage in peaceful assembly, protest, silent distribution of literature or other similar activity when such lead time is not possible.
- F. If a request for use of a facility is not approved, the applicant will be given a statement of reasons for denial.

- G. Appeal of adverse decisions for use of university facilities may be made to the Space Scheduling and Use Committee, which is composed of designees of the vice chancellors for academic affairs, business affairs and student The Space Scheduling & Use Committee, subject to approval of the chancellor, shall have authority to make exceptions or revisions to policies and procedures regarding facilities use by RSOs and other university groups.

V-2 OFF-LIMITS PROPERTY

The eastern section of campus includes areas that are undeveloped and intended for use only by authorized personnel. This section of campus, and any other areas of campus marked with “no trespassing” signs, may not be used or accessed other than by authorized personnel and/or university sponsored academic or recreational activities.

V-3 POLICY ON DISPLAYS (02.360)

V-4 POLITICAL AND RELIGIOUS ACTIVITY

- A. UNCW may host candidates for public appearances or debates. Single party appearances are permitted on campus provided they are sponsored by a registered student organization and all expenses related to the event, if any, are paid by the candidate, political organization, or student organization. Otherwise, university facilities may be used for political events in compliance with the University’s Facility Use Policy.
- B. Registered student organizations and other student groups associated for religious purposes may sponsor religious activities on university property with a person or group of persons who are not students, faculty or staff members.
- C. Facilities and outdoor space may be reserved in accordance with Section V-1, Reserving Space.

V-5 SOLICITATION POLICY

A. Definition

“Solicitation” means the sale, offer for sale, or sales promotion of any property or service and/or the receipt of or request for any gift or contribution.

B. Who May Solicit

1. No solicitation shall be conducted in any building or structure, or on the grounds, sidewalks or streets of the UNCW campus, or by electronic means directed to UNCW faculty, staff, and/or students, except by:
 - a. The agents or employees of the university acting in the official capacity of their agency or employment;
 - b. Student government and/or registered or provisional student organizations; or
 - c. Officially sanctioned external vendors contracted through the Conferences, Events and Reservations Office, in accordance with this section.
2. Non-university groups or individuals, which include external vendors and local businesses, are prohibited from engaging in solicitation unless contracted through the Conferences, Events and

contracted through the Conferences, Events and Reservations Office.

3. For rules on solicitation in residence halls, apartments, and suites, see the *Campus Living Handbook & Policies*.

C. Conducting Solicitations

1. Student organizations and their affiliated groups may solicit only with the written approval of the Campus Activities & Involvement Center. A properly completed solicitation form and compliance agreement must be submitted to the Campus Activities & Involvement Center at least seven (7) calendar days before the event.
2. The university reserves the right to limit the type of fundraiser that organizations are permitted to conduct on Fundraising is a privilege granted to RSOs and therefore those privileges may be limited in type or scope. For example, credit card solicitation is not permitted.
3. External vendors (including local businesses) are not permitted to solicit on behalf of student organizations, unless officially sanctioned and contracted through the Conferences, Events and Reservations Office.
4. Upon receipt of a solicitation form and compliance agreement, approval to solicit will be granted under the following conditions:
 - a. The primary purpose of the sales or contributions will be to raise money for the benefit of the organization or for verified charitable causes.
 - b. All solicitations will be conducted by and only by members of the approved organization. This requires the presence of a student organization member at all times during the activity.
 - c. Charitable fundraising campaigns conducted on campus by individuals, registered student organizations, or non-student campus groups must be in compliance with N.C.G.S. Chapter 131F, Solicitation of Contributions.
 - d. Solicitations must be conducted in space(s) approved by the appropriate facilities manager, which is limited to: (1) Campus Life facilities and surrounding grounds, (2) Wagoner Hall, (3) mall area outside Wagoner Hall, and (4) Brooks Field. Tables may be reserved through the Campus Reservation System.
5. Solicitation must be conducted in such a way that will not:
 - a. Disturb or interfere with the regular academic or institutional programs being conducted on the campus; Interfere with the free and unimpeded flow of pedestrian or vehicular traffic or sidewalks, streets or entrances to campus buildings or common areas of campus buildings; or
 - b. Harass or intimidate the person or persons being solicited

- persons being solicited.
6. Registered student organizations may solicit local vendors or merchants for donations but should make it known that they are only representing their respective organization and are not acting in any official capacity for the university.
 7. Activities authorized by the university administration involving the sale of goods or services including, but not limited to, activities of the University Bookstore personnel and representatives of education-supply firms, are exempt from this policy.

D. Dues, Fees, and Ticket Sales

1. Registered student organizations of the institution may collect membership fees or dues at meetings of such organizations scheduled in accordance with the facilities use regulations outlined in this section.
2. There may be a collection of admission fees for an exhibition of films or other programs that are sponsored by the university, a recognized faculty group or a registered student organization and are scheduled in accordance with the facilities use regulations in this section.
3. Regulations for on-campus ticket sales are as follows:
 - a. An organization selling tickets must charge sales tax on all ticket in accordance with NC General Statutes. If the ticket sales are deposited in a regular university account by Campus Life staff, the sales tax will be automatically remitted to the NC Department of Revenue. If the ticket revenue is deposited into an off-campus account, the registered student organization is responsible for remitting their own tax revenues. This requires registration with the Internal Revenue Service and NC Department of Revenue and a federal EIN, which mean the organization would need to be recognized as a separate entity.
 - b. All activities involving university funds or services are subject to university and state audit.
 - c. An organization shall consult with the Campus Activities & Involvement Center regarding fund-raising Tickets for fund-raising events shall indicate admission price, sponsoring organization and be pre-numbered, unless they reserve specific seats for specific performances.

E. Raffles

1. A raffle is a lottery in which a prize is won by a random drawing of the name or number of one or more persons purchasing chances.
2. Registered student organizations must hold tax-exempt status if planning to hold a raffle. In order to gain tax-exempt status, the organization must write a letter to the North Carolina Department of Revenue requesting tax-exempt status. Student organizations are NOT authorized to hold a raffle unless they have received a letter from the State of

North Carolina indicating their tax-exempt status. A copy of this letter must be kept on file in the Campus Activities & Involvement Center in the student organization's folder.

3. External vendors, non-university groups, and individual persons may not hold a raffle, or conduct ticket sales for raffles, on campus or by electronic means.
4. Tax-exempt student organizations conducting raffles must abide by C. General Statute 14-309.15, which includes the following rules:
 - a. The student organization sponsoring a raffle must contact the Conferences, Events and Reservations Office ten (10) calendar days prior to the event in order to begin an Event Registration Form.
 - b. A student organization may sponsor only two raffles per year. The total cash prizes offered or paid by any organization or association may not exceed one hundred twenty-five thousand (\$125,000) dollars in any calendar year.
 - c. No less than ninety percent (90%) of the net proceeds of a raffle shall be used by the non-profit organization or association for charitable, religious, educational, civic or other nonprofit purposes (meaning only 10% of the proceeds can go toward other items such as raffle expenses).
 - d. No alcoholic beverages may be raffled.
 - e. No person may be compensated for conducting a raffle.

For more information, contact Campus Activities & Involvement Center in the Fisher Student Center room 2029, by phone at 910-962-3553, or via e-mail at activities@uncw.edu.

V-6 APPEALS PROCEDURE

- A. The student organization or group aggrieved by a decision covered by this section of the *Code* is entitled to appeal to the vice chancellor for student affairs or designee by giving written notice on or before the fifth class day after the decision is made. The notice shall contain the student's or organization's name and mailing address, a concise description of the complaint, the reasons for disagreeing with the decision and the date the decision was announced.
- B. When notice of the appeal is received, the vice chancellor for student affairs shall delegate responsibility for hearing that appeal. The delegate shall provide the student organization with an opportunity for a hearing and the person or organization shall be notified at least one day before the date of the hearing.
- C. The student or the organization may petition the Student Organizations Committee (SOC) in writing, through the delegate, to review a decision which has been appealed. The vice chancellor for student affairs shall request SOC to review the appeal and make recommendations.

CAMPUS LIFE FACILITIES

The Fisher University Union, Fisher Student Center, Burney Center, Warwick Center, Amphitheater and University Commons serve as focal points for campus life outside the classroom, enhancing the university's mission to offer a well-rounded educational experience to its students. The facilities provide meeting space, study areas, recreational space, performance venues, space for student organization offices, various student service offices, the services of a post office, the University Information Center, University Bookstore, Passport Office, banking machines, food service and art gallery spaces.

VI-1 CAMPUS LIFE ADVISORY BOARD

The purpose of the Campus Life Advisory Board is to act in an advisory capacity to the Executive Director and staff of Campus Life in matters regarding the management and operation of Campus Life spaces. The board shall operate and report to the vice chancellor for student affairs through the associate vice chancellor for student affairs/dean of students and executive director of campus life.

The board will be comprised of ten (10) voting members and designated non-voting, ex-officio members. All appointments shall be approved by the associate vice chancellor for student affairs. shall be appointed for a one-year term. The full board will meet approximately two (2) times per semester during the academic year. Whenever possible, meeting agendas will be distributed prior to each meeting, with the director of conferences, events and reservations serving as convener. Decision-making will be by consensus whenever possible or by simple majority voting if necessary. The Campus Life staff will provide information on the Campus Life Advisory Board in its annual report.

A. MEMBERSHIP

Members shall be appointed by the executive director of campus life and approved by the associate vice chancellor of student affairs to ensure representation and interaction among various students. Every member shall be a currently enrolled graduate or undergraduate student who is in good academic and disciplinary standing at UNCW at the time of their appointment and throughout their term. A voting member shall have been a student at UNCW for one semester (two summer sessions will be considered one semester), prior to their appointment.

The eleven (11) voting members shall consist of:

1. Eleven (11) students appointed for one year terms:
 - a. The president of the Student Government Association (SGA) or designee.
 - b. The president of the Association for Campus Entertainment or designee.
 - c. The president of the Residence Hall Association or designee
 - d. The president of the Graduate Student Association or designee.
 - e. One student appointed by the Student Media Board.
 - f. One off-campus student appointed by the Office of the Dean of Students.
 - g. One student appointed by the leadership of Fraternity & Sorority Life community (IFC, NPC, NPHC).
 - h. One student appointed by the Innerman African

can be made on-line at

<https://events.uncw.edu/EmsWebApp/>.

2. The Conferences, Events and Reservations staff must be notified of a cancellation no later than two (2) business days prior to the scheduled reservation. If a student organization or department neglects to cancel a reservation, the group will receive a letter from Campus Life administration office informing them of potential charges for future misuse policy. Personnel fees may still apply.
3. Campus Life reserves the right to bill any organization or group for damages or losses which result from the use or misuse of facilities or equipment, including charges for additional janitorial service over and above normal cleaning of the area used. Groups will be charged for the time of staff required outside of normal operating hours of the facilities (e.g., building manager before or after hours, additional janitorial staff,). Fees will also apply when technical services assistance is provided.
4. Catering arrangements can be made through Campus Dining by contacting the catering office at catering@uncw.edu.
5. Any decorations used must be approved by Campus Life prior to the event date. Nothing shall be attached to the walls. All materials used at any event must be removed at the conclusion of the program. The use of candles in rooms must be approved by the Campus Life staff.
6. Campus Life will not be responsible for any losses or injuries suffered by any person as a result of a room reservation and/or the activities of the reserving organization.

C. SMOKING AND USE OF E-CIGARETTES

The University of North Carolina Wilmington is a smoke-free campus as it applies to all academic, student support and residential buildings. This means that smoking and use of electronic or vaporized cigarettes is not permitted in Campus Life facilities at any time. Further, there is a 25 foot “no smoke zone” at all Campus Life building entrances. Student violators of the smoke-free guidelines may be held accountable for non-compliance via the student conduct system.

Students found in violation of this policy will be fined at least \$25.00 for their first instance and \$50.00 for each subsequent violation.

ADDITIONAL POLICIES

EMERGENCY WEATHER EVENT GUIDELINES

1. University officials closely monitor tropical depressions, tropical storms, hurricanes, and other weather events. Detailed tracking by the campus Emergency Manager begins prior to the first public announcement of a hurricane watch.
2. In advance of a public announcement of a hurricane watch, students are encouraged during Orientation and via Housing and Residence Life programming to develop plans for evacuation. Upon the campus announcement of potential weather impacts, students and employees are reminded to review those plans.
3. Classes and other university events will be canceled by the chancellor when appropriate. The university community will be informed through UNCW Alert (text messages, website, and/or email), university email, media channels, UNCW homepage, UNCW Emergency Hotline [910-962-3991](tel:910-962-3991) or [1-888-657-5751](tel:1-888-657-5751) and/or other communication methods as soon as possible after this decision is made.
4. University officials encourage students to leave campus while a weather event is some distance away and weather conditions permit safe travel. Students who are not traveling to their permanent residences are expected to notify parents and family of their plans and whereabouts.
5. In the event that a student cannot find alternate shelter for the duration of the hurricane and recovery period, the student should contact or be referred to the Office of the Dean of Students to be informed of potential options.
6. Students are strongly advised to remove all valuables, medications, and necessities from campus, as well as educational materials they may need in the event of a long-term absence from campus; secure their rooms and apartments; and understand that they will not be able to return to their campus residences until conditions are safe and they are invited to do so via official university channels. Personal belongings are not covered by university insurance.
7. In the event campus closes, the university will systematically evacuate all non-mandatory personnel from the campus in an orderly manner and will remain closed with access prohibited to all non-mandatory personnel, until further notice.
8. University Police, Facilities, Environmental Health & Safety, and communications personnel will continue to be on duty around the clock during these storms. Campus officials are in regular contact with local, county and state emergency operations centers as well as UNC System liaisons.
9. Classes and other university events will resume as directed by the chancellor at the time the learning mission can continue safely. The university community will be informed through UNCW Alert (text messages, website, and/or email), university email, media channels, the UNCW homepage, the UNCW Emergency Hotline [910-962-3991](tel:910-962-3991) or [1-888-657-5751](tel:1-888-657-5751) and/or other communication methods as soon as possible after this decision is made.
10. Student safety when returning to campus is of paramount concern; students should only travel when conditions are safe. If the university re-opens prior to when conditions are safe along the travel route and return is delayed, students are expected to contact instructors to make arrangements for course requirements. When returning to campus, know cellular signals may be unreliable and electronic services may not be available. Students are advised to always know multiple

not be available. Students are advised to always know multiple routes of return, have a full tank of fuel, a paper map, and cash before evacuating campus or returning to campus.

- *These guidelines are provided by the UNCW Department of Environmental Health and Safety. Revised June 2022.*

SKATEBOARDING AND ROLLERBLADING

1. Skateboards and rollerblades may be used as a form of transportation on campus. They may only be utilized on sidewalks and/or roadways.
2. Any and all types of trick or exhibition skateboarding or skating is strictly prohibited.
3. Skateboarding and rollerblading are prohibited in/on but not limited to, the following areas:
 - a. All steps and railings
 - b. All flower planters and fountains
 - c. All brick patios
 - d. All curbs
 - e. All outdoor tables and benches
 - f. Inside all buildings
4. Violators of this policy will:
 - a. Be issued a campus citation for \$25.
 - b. Be charged restitution for any damages.
 - c. Have their skateboards or rollerblades confiscated until the fine and restitution for damages are paid in full.
5. All skateboards shall be dismounted and carried across crosswalks.
6. All underage, non-university individuals found in violation of this policy are required to have a parent or legal guardian present to obtain their confiscated property.

HOVERBOARD USAGE

Due to the potential fire risk associated with their use and charging, the indoor operation and/or charging of hoverboards, or self-balancing scooters, or similar type devices in all campus buildings, including residence halls, is prohibited.

PHOTO USE POLICY

As a public university, UNC Wilmington often uses photographic and electronic images of public campus life, events, ceremonies and other activities to advance the mission of the institution.

Students, faculty, staff members and guests of the university may be identified or photographed for publication, broadcast, transmission and/or electronic display by the university. The photographs may also be made available to state, regional, national and international news agencies and media outlets. The images are not published for commercial purposes and do not violate the privacy of any individual or group.

By registering at, visiting or being employed by UNCW and being present in public settings, you authorize the use and reproduction by the university, or anyone authorized by the university, to any photographs taken while at UNCW, without compensation. All negative and positives, photographic prints and digital photo files shall constitute UNCW property, solely and completely.

DRONE POLICY

Recreational use of drones (also known as Unmanned Aircraft Systems) on all university property is prohibited.

SUPPLEMENT 1

**Title IX of the Education Amendments of 1972,
as Amended***
Sex Discrimination Prohibited

Sec. 901.(a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

6) This section shall not apply to membership practices--
(A) of a social fraternity of social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education.

*P.I. 92-318 (1972) and P.I. 93-568 (1974)

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SAFETY & PUBLIC SERVICES

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Title IX

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Virtual Tour Experience