

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 these students are reported to university officials, the university will intervene on an informal basis. "Informal" intervention will involve individual student(s) or student organization leader(s) being referred to the dean of students/designee for discussion of the incident.

Off-campus behavior which impacts the mission or the safety of the university community may be subject to formal university disciplinary action.

## **B. OFFENSES**

Notwithstanding actions taken by civil authorities or private litigants, the vice chancellor for student affairs or his/her designee may initiate disciplinary proceedings as outlined in Section II-2 and/or Section V-9 against a student or student organization that violates or attempts to violate 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, sells or delivers, 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.
  - 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. Conducts himself/herself 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. Tampered 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.
    - 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 bong 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*.
  14. Conducts himself/herself 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 his/her 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 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 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.
  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 or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid university policy, while on university premises or at university-sponsored activities based in whole or in part upon any of the protected statuses included in Section 103 of *The Code*. Statuses 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 environment. 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 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 him/herself 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; this includes playing of 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 himself/herself in a manner which may be in violation of any part of the Student Gender-Based/Sexual Misconduct Policy (see [University Policy 04.130](#)).
  24. Conducts himself/herself 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](#), including but not limited to (see Section IV):
    - a. Alcohol
    - b. Damage
    - c. Fire Safety
    - d. Hall Sports
    - e. Noise
    - f. Pets
    - g. Smoking
    - h. Visitation
  25. Demonstrates and/or assembles in violation of North Carolina General Statutes.
  26. Conducts himself/herself 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 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 himself/herself. A person identifies himself/herself by giving his/her name and complete address, stating truthfully his/her 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 his/her 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 disciplinary bodies, such as Student Organizations Committee, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council and Interfraternity Council.

### **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 that there is greater than a 50% likelihood, based on all reasonable evidence, that the respondent is responsible for the alleged violation.

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

When the dean of students/designee receives information that a student has allegedly violated university regulations or local, state or federal law, the dean/designee shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether or not to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible. The dean/designee may:

1. Find no basis for the complaint and dismiss the allegation as unfounded, or
2. Summon the student for a pre-hearing meeting. The pre-hearing meeting is designed to acclimate a student to the campus conduct process. It includes familiarizing a student with student rights as outlined in this *Code* and explaining the charge(s), hearing options, and options for consultation during the process.