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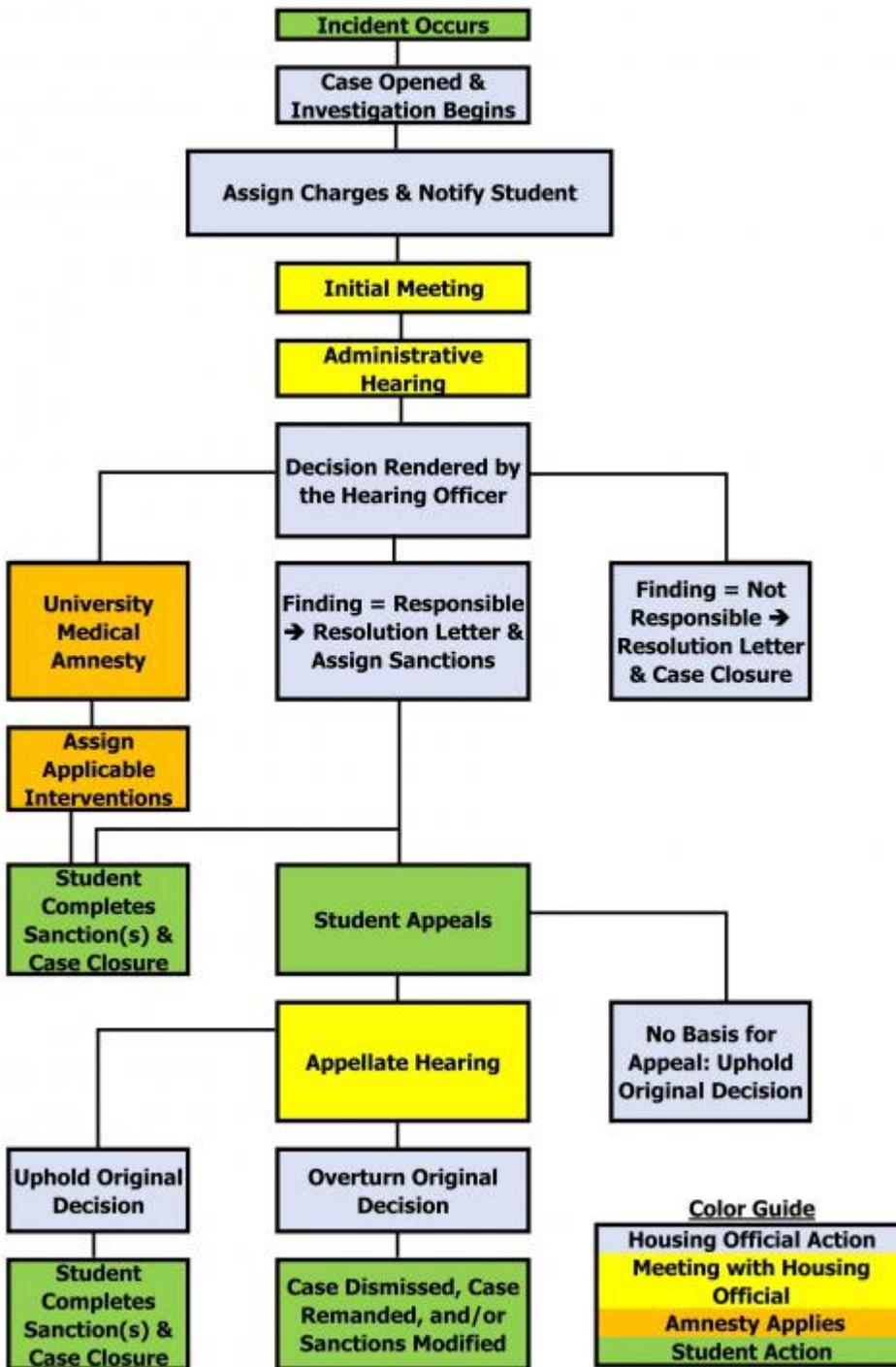
## Housing Conduct Process

Carolina Housing works to provide convenient housing that is secure, inclusive and supportive. Students create a home in our on-campus communities, build life-long friendships and develop skills for their current and future successes as they journey through their Carolina experience.

To uphold the mission of our department, we have established a set of [Community Living Standards](#) [1]. These policies are designed to outline your rights and responsibilities while living on-campus. Violations of the Community Living Standards will be adjudicated through the Housing Conduct Process.

### [Overview](#)

The Housing Conduct Process is outlined below in this flow chart:



[2]

**Written description:** When an incident occurs, a case is opened and an investigation begins. Charges are assigned and the student is notified. There is an initial meeting followed by an administrative hearing. The hearing officer renders a decision. If the finding is:

- **Student not responsible:** A resolution letter is drafted and the case is closed.
- **Student has University Medical Amnesty:** Applicable interventions are assigned and the student completes the assigned sanctions and the case is closed. The student can move to the appeal process with

this finding.

- **Student is responsible:** A resolution letter is drafted and the student is assigned sanctions. The student can move to the appeal process with this finding.

If the student decides to appeal, there is a possibility that the determination will be that there is no basis for an appeal, and the original decision will be upheld. If the determination is that there is a basis for an appeal, the case moves to an appellate hearing. Following the appellate hearing, if the original decision is:

- **Upheld:** The student completes assigned sanctions and the case is closed.
- **Overtured:** The case is dismissed OR the case is remanded AND/OR the assigned sanctions are modified.

If a resident violates the Honor Code or other policies, the resident will be referred to the Office of Student Conduct for further disciplinary action. It is possible for a violation to be serious enough that a resident will go through the Residence Hall Conduct Process and be referred to the Student Attorney General's Office.

## Documentation of an Incident

If a resident violates one of Carolina Housing's Community Living Standards, it is likely that the resident will be confronted by one of our staff members. The staff member will document the situation in an Incident Report, and that documentation will go to the Coordinator for Housing Conduct. The Coordinator for Housing Conduct will assign a Hearing Officer. The Hearing Officer (Community Director or other designated Housing Official) will review documented incidents and referrals of alleged violations of the Community Living Standards to determine whether there is a sufficient factual basis to formally charge a student with a violation. The resident will receive a letter electronically with the alleged violations, procedural rights, and a date and time for an Initial Meeting.

## Procedural Rights

A student accused of violating the Community Living Standards is afforded procedural rights in the Housing Conduct Process. An accused student has the right:

- To receive a notice of the charge(s);
- To be informed of the procedural alternatives applicable to their case;
- To review the Incident Report regarding the charges against them. They may request to view the report in advance of their hearing;
- To be presumed not responsible until evidence of their involvement in the violation is proven by a preponderance of the evidence standard (more likely than not);
- To have an objective and impartial hearing; if a Student feels that the Hearing Officer cannot consider the case impartially, they may request that a different Hearing Officer be assigned to their case;
- To have their hearing held within a reasonable amount of time;
- To be represented by an attorney or non-attorney advocate.
- To present witnesses or evidence on their behalf at the hearing. The student is responsible for securing the presence of witnesses and gathering evidence on their behalf;
- To appeal the outcomes of this process.

## The Hearing Process

In the initial meeting, the Hearing Officer shall inform the accused student in detail of the charge(s), the Housing Conduct Process, and their procedural rights. Additionally, the Hearing Officer and the accused student will review any applicable evidence, including the incident report, as well as hear any statement the student may wish to make.

During the initial meeting, the student will be given the option to resolve the case with the hearing officer. If the student exercises this option, the initial meeting becomes an administrative hearing and proceeds as such. If the student exercises the option to hold the administrative hearing at a later date, that hearing will occur at least five (5) business days after the initial meeting.

During an administrative hearing, the Hearing Officer shall inform the accused student in detail of the charge(s), applicable evidence, alternatives available in responding to the charge including acknowledgement of responsibility and implications, possible sanctions, and applicable procedural and appeal rights. During an administrative hearing, the accused student may provide any information or statements that they deem important for the Hearing Officer to consider. If the student fails to attend the administrative hearing without prior written notice, the hearing officer will conduct the hearing in their absence and render a decision based on the information available.

In determining a finding of responsibility, the Hearing Office will utilize a "preponderance of the evidence" standard. This standard means that after careful and impartial consideration of the evidence and witness statements presented during the administrative hearing, the Hearing Officer determines it is more likely than not that the accused student committed the alleged violation of the Community Living Standards. The Hearing Officer's decision shall rest solely on the evidence contained in the record of the administrative hearing. The Hearing Officer may reach one of the following decisions: (a) not responsible, (b) responsible, (c) deferred. The Hearing Officer shall submit a written rationale of their decision and any sanctions to the student as soon as possible, but in no more than five (5) business days.

## Types and Descriptions of Sanctions

In keeping with the mission of Carolina Housing and the Housing Conduct Philosophy, sanctions are intended to educate students as to why their actions were inappropriate, help students improve their ethical decision making, and hold students accountable to their contractual obligations of living in campus housing.

Except for disciplinary probation, a record of the outcome or sanction will not appear on a student's official University academic or disciplinary record. However, other University offices may request this information if the student submits applications for study abroad, entrance into professional schools, and/or student employment positions.

Sanctions and Interventions will be determined on the following criteria:

- The severity of the violation;
- The sanction that has been assigned in the past for similar situations (a.k.a. the established precedent);
- The student's previous conduct history, as well as their attitude throughout the conduct process;
- The importance of learning through the Housing Conduct process.

**\*Note: In some instances, one of these criteria may outweigh others in degree of importance.**

## **Educational Sanctions**

Administrative Follow up: A required follow up meeting with the Community Director who served as the Hearing Officer for the case.

AlcoholEdu for Sanctions: is an online course designed specifically to help students who have violated alcohol policies make safer and healthier choices - and avoid experiencing problems again. The course provides a strong educational foundation to support the student decision making process.

Community Service: A required sanction in which the student must complete a service learning experience for a designated amount of time. The student must provide documentation to the Hearing Office confirming the completion of the community service experience.

Decisions Course: UNC's Decision is a 3-hour student-centered workshop focused on ethical and critical decision making, and understanding readiness for behavior and attitude change through self-awareness. The program helps students align personal and University core values with their actions in an atmosphere of responsibility and accountability. The program engages participants in a process of self-awareness and critical reflection. Students will learn applied skills and have opportunities to practice these skills to make better choices moving forward.

Educational Sanction: A required sanction in which the student must complete an educational experience and/or reflection aimed at helping the student learn from the incident and adding value to their experience as a student.

Referral: A required follow up with a campus partner or community agency. Referrals are typically made in order to connect students to resources or help students manage issues that led to the violation by connecting them with an individual who is specialized in the area of concern.

Tar Heel BASICS: BASICS (Brief Alcohol (and Other Drug) Screening and Intervention for College Students) is a preventive AOD (alcohol and other drugs) misuse screening, education, goal setting and skill building program for college students. It is aimed at students who have had negative experiences or other problems related to AOD use. The program is designed to help students make more informed and intentional decisions about potential future substance use and to reduce their overall risks for AOD related harm. The program's style is casual, relational, non-confrontational and non-judgmental. Except for cases of Medical Amnesty, a \$50 fee is charged to your student health account in a nondescript manner.

## **Contractual Sanctions**

Housing Warning: An official written warning that a student has been found in violation of the Community Living Standards. A warning serves as notice to the student that any further violations of the Community Living Standards will be handled more stringently.

Housing Contract Probation: A Housing Contract probationary period for students, typically 6 months or 12 months, during which any additional violations of the Community Living Standards may result in additional sanctioning or contract termination.

Housing Contract Termination: Housing Contract Termination is when a student's contract is cancelled for being found responsible for violating the Community Living Standards. In cases of Housing Contract

Termination, a student's violation is usually of an egregious nature. Given the nature of the violation, the student may be provided the option to re-apply to live in campus housing after a 12-month period has lapsed, otherwise, a student's contract termination is indefinite. Students receiving Housing Contract Termination are subject to a cancellation charge equal to 50% of the total value of the contract, which will be applied to their student account.

Housing Contract Termination from Granville Towers: Contract Termination from Granville Towers is when a student's contract is cancelled for being found responsible for violating Community Living Standards. In cases of Contract Termination from Granville Towers, a student's violation is usually of an egregious nature. Students receiving Housing Contract Termination from Granville Towers are accountable for 100% of the remaining contract, and must contact the Business Office in Granville Towers to schedule payment.

Administrative reassignment: A required relocation to another room and/or community.

Loss of privileges: Loss of specified privileges for a designated period of time, including but not limited to: access to specified residential communities, stay late during breaks, guest privileges.

Restitution: A monetary sanction imposed on students when there is a cost associated with their behavior (i.e. if a student vandalizes a wall by spray painting it, the student would be responsible for the cost of repainting the wall.)

## **Disciplinary Sanctions**

Warning: An official written reprimand that is formally communicated by a letter giving the student notice that any subsequent violations will result in more stringent sanctions, up to and including disciplinary probation.

Disciplinary Probation: Assigned for a definite or indefinite period, including probation with associated conditions or requirements. Probation means that a student may remain at the University, but may be required to satisfy specified conditions or requirements, report regularly to appropriate University officials, and be barred from holding any office or participating in any activity in which the student represents the University or University-recognized student organizations either within or outside the University community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements of the sanctions. Disciplinary probation shall be reflected on a student's academic transcript while active.

While on probation a student CANNOT:

- Participate in varsity, club, or intramural athletics
- Participate in study abroad
- Rush or pledge a fraternity or sorority (social, professional, or honors)
- Hold a leadership role in a student organization, fraternity, or sorority
- Hold a university job such as a fellowship or assistantship where the student must represent the university as a part of the job (i.e. teaching assistant)
- Write for or be published in a campus publication
- Perform publicly as a member of a campus performing group
- Participate in select off campus activities where the student publicly represents the university (i.e. student representative position on a town committee)

Disciplinary Suspension: Disciplinary suspension means that a Student is removed from good standing and must leave the University for a definite or indefinite period. Suspension anticipates that the student may eventually

return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a Student is under suspension from the University may not be transferred toward the degree, but applicable health care or insurance benefits may be continued.

## Attorney and Non-Attorney Advocates

In accordance with N.C.G.S. 116-40.11, any student accused of violations outlined in Carolina Housing's Community Living Standards may be represented, at their own expense, by a licensed attorney or non-attorney advocate of their own choosing. Students that choose to have a licensed attorney or non-attorney advocate represent them must notify the assigned hearing officer in Carolina Housing, via email, of the attorney's or non-attorney advocate's participation in the Housing Conduct process at least two business days prior to any hearing. The notice must specify (a) the identity of the licensed attorney or non-attorney advocate; (b) whether the individual is a licensed attorney or a non-attorney advocate; and (c) current contact information (e.g., address, email, and phone) for the attorney or non-attorney advocate. In addition, 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).

Additionally, at least two business days prior to any hearing, the attorney or non-attorney advocate shall provide a signed certification affirming that they have read and understand (1) the Carolina Housing Community Living Standards, (2) the Policy on Student Possession and Consumption of Alcoholic Beverages in the Facilities of the University of North Carolina at Chapel Hill and (3) The Housing Conduct Process Overview.

**The Attorney Participation Form and FERPA Waiver are available in the Related Files section below.**

## Housing Conduct Appeals

A student may appeal the Hearing Outcome only on the following grounds:

**Procedural Rights:** A violation of procedural due process rights as afforded in Appendix C, Section IV of the Alcohol Policy and Appendix A, Section 5 of the Community Living Standards. The Student shall be required to show, by a preponderance of the evidence, that there was a material deviation from established procedures that would substantially affect the outcome;

**Newly Discovered Information:** Newly discovered information becomes available that was not previously available during the initial investigation or the administrative hearing process through the exercise of due diligence, and this newly discovered information would substantially affect the outcome.

Mere dissatisfaction with the Hearing Outcome is not a valid basis for appeal.

All appeals are to be submitted via <http://tinyurl.com/DHREappeal> [3]. All appeals are to be submitted electronically. The Appellate Officer will be a designated official from Carolina Housing. Appeals must be filed no later than five (5) business days from the delivery of the resolution letter. For purposes of appeals, delivery shall mean transmission of the written summary by electronic mail.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and

all relevant information to substantiate the basis for the appeal. Receipt of the written appeal will be acknowledged in writing. Once a Student submits a request for an appeal, the sanction(s) will not be enforced until after the determination of a final appeal decision. Interim Administrative Actions will continue to be in place pending a final appeal decision outcome.

On appeal, students must specify the reason for their appeal in the written request. Students should be specific and provide a basis for their appeal.

The Appellate Officer will assess the written appeal to determine whether the appeal is timely filed and, if so, whether the appeal is properly framed based on the two permissible grounds. If the Appellate Officer determines that the appeal was not timely filed or does not state one of the two permissible grounds for appeal, the appeal will be denied. If the appeal is timely filed and meets one or more of the grounds for appeal, the Appellate Officer shall review and consider solely the evidence contained in the case file. If necessary, the Appellate Officer may request to meet with the Student to discuss the appeal further in order to make a determination. No new evidence may be entered during the appeal process unless strictly outlined as a ground for appeal. New evidence may be entered if the case is remanded for a new Administrative Hearing.

After the Appeal Review, the Appellate Officer will reach a decision after reviewing the case file, the grounds for appeal as stated in the written appeal, and any applicable discussion with the Student or other relevant witnesses. The decision of the Appellate Officer is final, and the Appellate Officer shall submit a written rationale of the decision within ten (10) business days after the Appeal Hearing, unless extraordinary circumstances require a longer period of time. When making a determination, the Appellate Officer may:

1. Uphold the decision of the Hearing Officer; or
2. Overturn the decision of the Hearing Officer by:
  - Dismissing the case;
  - Remanding the case for a new Administrative Hearing; or
  - Modifying the sanctions. The Appellate Officer may not increase a sanction or other penalty, but may assign a lesser sanction if appropriate.

## **Interim Administrative Actions**

### **Purpose**

Interim administrative actions are assigned in serious or severe alleged violations of the Community Living Standards. These interim actions are assigned before a conduct hearing in cases where it is in the best interest of the community and/or the alleged to be removed from the community and/or to prohibit contact between individuals. Interim actions are in place until the matter is resolved via the Housing Conduct Process (including the appellate process, if applicable), and do not replace the hearing process. A hearing will be granted in a reasonable amount of time. The Director of Carolina Housing or designee may defer procedural due process and enforce an interim measure. The following actions may be taken to facilitate student conduct processes. Violations of these interim actions may result in additional charges, including failure to comply.

### **Interim Administrative Actions**

1. **Interim Housing No Contact Order:** The student is prohibited from any form of contact within the residence halls (such as verbal contact, contact via any electronic medium, contact via a third party, etc.)

with a specific person or persons.

2. **Interim Housing Suspension of Privileges:** The student is prohibited from utilizing privileges such as, but not limited to, restriction of access to specific buildings or residential spaces, break housing permissions, loaner flex and key usage, visitation and guest privileges, or equipment check out. The privilege that is suspended will be specified.
3. **Interim Housing Administrative Reassignment:** The student is temporarily relocated from one community to another. Residents who receive an interim administrative reassignment are prohibited from entering the floor, wing, or building which they were originally assigned.

## Conduct Requests

### History Requests

Request your conduct history from our office: <http://tinyurl.com/ConductHistoryRequest> [4]

*If you are an external agency inquiring about a student's conduct history, please use the following form:*  
<https://tinyurl.com/conducthistory> [5]

### Maintenance of Records

Access to any Student's conduct records will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974 (?FERPA?). University officials or faculty members with a legitimate educational interest may have access to conduct records.

Except for disciplinary probation and suspension, a record of the outcome and any imposed sanction(s) will not appear on a Student's official University academic record. Disciplinary probation or suspension shall be reflected on a Student's academic transcript while active, but will be removed upon successful completion of all requisite conditions. A record of the outcome and any imposed sanction(s) shall appear on a Student's official University disciplinary record maintained by Carolina Housing.

Results of proceedings for alleged violations of the Community Living Standards may be disclosed to the alleged victim of the offense if the offense involved the use, attempted use, or threatened use of physical force against the person or property of another; or is a felony that, by its nature, involves a substantial risk that physical force may be used against the person or property of another in the course of committing the offense.

A student's Housing Conduct case record will be maintained in Carolina Housing for seven years from the date of resolution, after which they are destroyed.

Per University policy, Carolina Housing does not provide copies of incident reports. Pursuant to the Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974 (?FERPA?), a student has the right to inspect their educational record. Students will review their educational record in person, unless the student cannot reasonably come to campus to view the report. For further information, policy, and procedures, visit: <http://policies.unc.edu/files/2016/06/FERPA.pdf> [6].

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**Source URL:** <https://housing.unc.edu/residence-life/housing-conduct-process>

### Links

[1] <https://housing.unc.edu/about-us/policies/community-living-standards>

[2] <https://housing.unc.edu/sites/housing.unc.edu/files/styles/threshold->

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[3] <http://tinyurl.com/DHREappeal>

[4] <http://tinyurl.com/ConductHistoryRequest>

[5] <https://tinyurl.com/conducthistory>

[6] <http://policies.unc.edu/files/2016/06/FERPA.pdf>