



Housing Conduct Process Overview

In the Department of Housing and Residential Education, we strive 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. These policies outline your rights and responsibilities while living on-campus.

This conduct meeting has been scheduled because you were involved in an alleged violation of the Community Living Standards. This hearing will determine your level of responsibility in the incident, and, if found responsible, your status as a resident in campus housing. The information on this sheet will help answer your questions about the residence hall conduct process. Please read the following information, and ask any questions about the information on this sheet before your hearing begins.

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:

1. To receive a notice of the charge(s);
2. To be informed of the procedural alternatives applicable to their case;
3. To review the Incident Report regarding the charges against them. They may request to view the report in advance of their hearing;
4. 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);
5. 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;
6. To have their hearing held within a reasonable amount of time;
7. To be represented by an attorney or non-attorney advocate. Further information can be found at: <http://housing.unc.edu/residence-life/conduct-process/advocates>.
8. 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;
9. To appeal the outcomes of this process.

ADMINISTRATIVE ACTION

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.

If the reviewing Hearing Officer determines that a reasonable basis exists for charging a student with a violation of the Community Living Standards, the Hearing Officer will send the accused student a notice of charges with a scheduled initial meeting date and time, occurring no more than five (5) business days after the submission of the notice, unless extraordinary circumstances apply. 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.

SANCTIONING

In keeping with the mission of the Department of Housing and Residential Education 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:

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

APPEALS

GROUND FOR APPEAL

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.

APPEAL SUBMISSIONS

All appeals are to be submitted via tinyurl.com/DHREappeal. All appeals are to be submitted electronically. The Appellate Officer will be a designated official from the Department of Housing and Residential Education. 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.

APPEAL REVIEW

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.

APPEAL DECISION

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:
 - A. Dismissing the case;
 - B. Remanding the case for a new Administrative Hearing; or
3. Modifying the sanctions. The Appellate Officer may not increase a sanction or other penalty, but may assign a lesser sanction if appropriate.