



NCCentral
UNIVERSITY

School of Law

2020-2021
Code of Conduct
Student Handbook

2.00 CODE OF STUDENT CONDUCT

2.01 PREAMBLE

The mission of the North Carolina Central University School of Law is to provide a challenging and broad-based educational program designed to stimulate intellectual inquiry of the highest order, and to foster in each student a deep sense of professional responsibility and personal integrity so as to produce competent and socially responsible members of the legal profession.

The primary purpose for the Code of Student Conduct is to further this mission by ensuring the orderly functioning of the School, protecting the rights of its students, faculty, and staff, and furthering a community of respect and integrity. It specifies prohibited types of behavior, the sanctions that can be applied, and the jurisdiction, structure, and operation of the system for adjudicating student disciplinary cases. Disciplinary regulations are set forth in writing in order to give students general notice of prohibited conduct. This Code is not written with the specificity of a criminal statute and is not designed to define misconduct in exhaustive terms. It is the responsibility of all NCCU School of Law students to familiarize themselves with these regulations.

All members of the North Carolina Central University (NCCU) School of Law community are expected to behave in an ethical and moral fashion, respecting the human dignity of all members of the community and resisting behavior that may cause danger or harm to others through violence, theft, or bigotry. All members of the NCCU School of Law community are expected to adhere to the civil and criminal laws of the local community, state, and nation, and to regulations promulgated by the University. All members of the NCCU School of Law community are expected to observe established standards of scholarship and academic freedom by respecting the intellectual property of others and by honoring the right of all students to pursue their education in an environment free from harassment and intimidation.

2.02 AUTHORITY FOR STUDENT DISCIPLINE

2.02-01 Authority

Ultimate authority for student discipline is vested in the Board of Governors of the University of North Carolina. As part of a constituent institution, The School of Law also is governed by the policies and procedures of North Carolina Central University. However, in our mission to foster in each student and future member of the legal professional a deep sense of professional responsibility and personal integrity, the School of Law has chosen to further define and expand upon its own standards as set forth in this Code of Conduct. The Disciplinary Committee of the School of Law implements the policy set forth in the Code of Student Conduct.

2.02-02 Composition

The Student Disciplinary Committee shall be a standing committee of the Law School consisting of eight faculty members and two student members. The Office of the Dean shall appoint a Chair, five members of the faculty as voting committee members, and two additional faculty members as alternates. The President of the Student Bar Association shall appoint two students to serve as

voting members of the committee. Prior to the commencement of the hearing on the merits, the accused may request that the student members not participate.

2.02-03 Substitution of Committee Members

If any member of the Committee is the accuser, or was the instructor of the course in which the alleged violation of these regulations took place, such person shall not participate as a member of the Committee in the hearing or deliberation of the case. If any member of the committee is excused or is otherwise unable to serve, the Chair shall select an appropriate student or faculty alternate to serve. If all alternates are ineligible or unable to serve, the Chair shall select an appropriate student or faculty member to serve.

2.02-04 Quorum and Meetings

A quorum exists when the Chair plus five voting members of the Committee are present. Committee action shall be by a majority vote of those present and voting.

2.03 JURISDICTION

In general, this Code of Student Conduct refers to conduct on School premises or at School-sponsored activities. The School of Law reserves the right to take necessary and appropriate action to protect the safety, wellbeing and integrity of the campus community. Such action may include taking disciplinary action against students whose behavior off campus indicates that they pose a substantial danger to others in the University community, or violates professional obligations as set forth in the North Carolina State Bar Rules of Professional Conduct, the University Code or in the Code of Student Conduct herein.

2.04 DEFINITIONS

When used in this Code:

- a. *Respondent* means any student who has been accused of an act prohibited under this Code.
- b. *Complainant* means any member of the University community who has elected to serve as the complaining party in a disciplinary proceeding under this Code.
- c. *Student* means any person for whom the School of Law maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University.
- d. *Faculty* means any person who holds an academic appointment in the School of Law, including adjunct and visiting instructors.
- e. *Notice* means a notice delivered to the student or his/her residence by any reasonable means. Such means may include e-mail, hand delivery or first class mail to a student's most recent local address as it appears in the Registrar's records.
- f. *Working days* are defined as business days when classes are in session. Over holidays and breaks, there may be flexibility in deadlines, but no undue delays shall be tolerated and all timeframes should be expedited to the extent possible to avoid unfair prejudice to the student.

2.05 PROHIBITED CONDUCT

1. As citizens and future lawyers, all students are expected to comply with federal and

state law, as well as the Rules of Professional Conduct set forth by the North Carolina State Bar. Any alleged violation of these expectations shall be within the purview of the School of Law to investigate and adjudicate.

Action within the Law School will normally proceed during the pendency of administrative, civil or criminal proceedings arising out of the same or other events, and shall not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced, or are pending.¹

In addition, students who engage in the following prohibited conduct may be subject to disciplinary action:

2.05-01 Academic Dishonesty

Academic dishonesty is defined as any conduct by which the student creates for him/herself or for others an unfair or false evaluation in connection with any examination or other work for academic credit. Cheating, fabrication and plagiarism are examples of conduct that is academically dishonest.

- i. *Cheating* is the unauthorized use of materials in connection with an examination or other work for academic credit, including, but not limited to
 1. the use of books, notes, outlines, etc. during an examination where the instructor has not authorized use of such materials or information;
 2. seeking unauthorized materials or information from others in connection with an examination;
 3. giving or attempting to give unauthorized assistance to a person in connection with an examination;
 4. obtaining or attempting to obtain unauthorized copies of examinations;
 5. bringing to an examination, or attempting to use during an examination, unauthorized answers which have been prepared before the examination period;
 6. copying or attempting to copy from the work of another student during an examination; and
 7. submitting for evaluation in a course, part or the whole of a work for which credit has been given previously.
- ii. *Fabrication* is the invention, counterfeiting and/or alteration of quotations, data, procedures, experiments, sources or other information for which the student claims authorship in an exercise which he or she submits with the expectation of receiving academic credit.
- iii. *Plagiarism* is the use of the ideas, words, or work of another without attribution, when the information provided is not common knowledge, either in content or form, and includes, but is not limited to
 1. quoting from the published or unpublished work of another without appropriate attribution;

¹ A member of the University community initiating a complaint under this Code is not precluded from filing civil or criminal charges outside the University.

2. paraphrasing or summarizing in one's own work any portion of the published or unpublished materials of another without attribution; and
3. borrowing from another's work information which is not in the domain of common knowledge.

2.05-02 Forgery

Forgery, unauthorized alteration or unauthorized use of any University document or record, or any instrument or form of identification.

2.05-03 Furnishing false or misleading information

Furnishing false or misleading information, including

- i. Making a materially false or misleading statement or a material omission to a university official regarding coursework, a school activity or program, or in the process of inquiry, investigation or resolution of a disciplinary matter.
- ii. Making a materially false or misleading statement or omitting required information on an application for admission to this Law School, or on any other written application or document connected with the Law School (i.e., work study hours, financial aid application, grade or GPA report, etc.). This also includes failing to update and amend one's admissions application in accordance with the amendment guidelines as set forth in the student handbook.²
- iii. Making a materially false or misleading statement or a material omission to any Judge or officer of the court, including, but not limited to, the student's presence as a plaintiff, defendant, representative, witness, employee, volunteer, intern or extern.

2.05-04 Use of unlawful force

Use of unlawful force against any person or property or the threat of such force.

2.05-05 Sex offenses

Sex offenses, forcible or non-forcible—defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent (e.g., intoxicated).

2.05-06 Actual or threatened sexual assault

Actual or threatened sexual assault—this includes, but is not limited, to non-consensual sexual touching, even between acquaintances.

2.05-07 Harassment or intimidation

Harassment or intimidation, including engaging in conduct that threatens to cause

² Please refer to the Law School's policy on Amending Applications, Appendix D, and the time requirements set forth within. Failure to abide by this policy could result in a charge of "Furnishing false or misleading information" and disciplinary sanctions.

physical harm or emotional harm to persons or damage to their property. This includes making offensive or harassing comments to or about students due to race, gender, religion, national origin, disability or sexual orientation. Sexual harassment is defined as deliberate, unsolicited, and unwelcomed verbal and/or physical conduct of a sexual nature, or with sexual implications.

2.05-08 Disorderly conduct

Disorderly conduct including disruptive conduct, display of violent temper, refusal to leave an area when asked to do so by appropriate university officials, or conduct which infringes upon privacy, rights, privileges, health or safety of members of the University community.

2.05-09 Endangerment

Intentionally or recklessly endangering the welfare of any individual.

2.05-10 False Reports

Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.

2.05-11 Unauthorized entry, use or misuse of property

Unauthorized entry into, *unauthorized use* of, or *misuse* of University property, including computers, data and/or voice communication networks.

2.05-12 Theft

Theft of the property of another, or theft of University services. This includes the knowing possession of stolen property.

2.05-13 Intentional or reckless damage

Intentional or reckless damage to the property of another or of the University. Intentional or reckless misuse of fire safety equipment shall be regarded as damage under this section of the Code.

2.05-14 Failure to comply

Failure to comply with the directions of University officials, including campus police officers, acting lawfully in performance of their duties.

2.05-15 Abuse of the University's disciplinary procedures

Any abuse of the University's disciplinary procedures including, but not limited to, providing false testimony or evidence, disruption or interference with the orderly conduct of a Hearing, or violating the terms of a disciplinary sanction imposed in accordance with this Code.

2.05-16 Use, possession or storage of any weapon, dangerous chemical, fireworks, or explosive

Use, possession or storage of any weapon, dangerous chemical, fireworks, or explosive on University property, whether or not a federal or state license to possess

the same has been issued to the possessor. Weapons include any object or substance designed to inflict injury or used to cause reasonable apprehension of harm.

2.05-17 Illegal manufacture, use, possession or distribution

Illegal manufacture, use, possession or distribution of alcohol or any controlled substance or other illegal drug.

2. Attempting to commit acts prohibited by this Code or *assisting* others to commit acts prohibited by this Code shall be treated in the same manner as completed violations and subject to the same sanctions.

2.06 STANDARDS OF CLASSROOM BEHAVIOR

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful behavior³ that results in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period and subject to any penalties as indicated on the syllabus. Longer suspensions or dismissal from class, based on disciplinary grounds, must be preceded by a Hearing.

2.07 DISCIPLINARY COMPLAINTS

All complaints shall be made in writing and submitted to the Assistant Dean of Student Affairs within five working days of discovery of the violation. In extraordinary cases or circumstances, the complainant may petition the Assistant Dean of Student Affairs to submit his/her case beyond this time frame. The final decision will be at the discretion of the Assistant Dean of Student Affairs.

- g. If the individual initiating the complaint is a member of the NCCU Law School community (student, staff or faculty), he or she will normally be expected to serve as the Complainant and to be available to offer testimony in a Disciplinary Committee Hearing.
- h. Individuals who are not members of the NCCU Law School community may report but shall not serve as the Complainant in any proceedings conducted under this Code. If the Dean believes there is good cause for charges to be brought against the accused student in the interest of the University community, the Dean, or designee, may serve as the Complainant.

2.08 INVESTIGATION

2.08-01 Procedure

Upon acknowledged receipt of the written complaint and if it contains sufficient information, the Assistant Dean of Student Affairs, or designee, shall initiate an Investigation within five working days. The Investigation shall include:

- a. Notice to the Respondent of the initiation of the Investigation and possible charges, with a copy of, or access to, the written complaint and any

³ The term “prohibited or unlawful behavior” includes behavior prohibited by a faculty member. It must be emphasized that this provision shall not be used to punish classroom dissent. The expression of a disagreement with a faculty member is not in itself disruptive behavior.

- accompanying documentation;
- b. Notice to the Respondent that he/she has the right to remain silent throughout any proceedings under this Code and this silence will not be held against him/her;
 - c. Notice to the Respondent that all matters discussed during the Investigation may become part of the case record and may be presented during a Hearing;
 - d. A request from the Respondent for a written response to the allegations;
 - i. The response shall be submitted to the Assistant Dean of Student Affairs within five working days upon notice of the Investigation.
 - ii. The response shall include admission or denial of the alleged charges and a detailed explanation of the circumstances surrounding the complaint.
 - iii. If the student chooses to exercise the right to remain silent, he/she should indicate this in writing within the allotted time.

Notice may be given in person, by mail to the Respondent's last known address, by email to the Respondent's NCCU email on file or by any other official means of notification adopted by the Law School now or in the future.

2.08-02 Communication

The Assistant Dean of Student Affairs, or designee, may communicate with any parties he/she believes to have information relating to the complaint. Communication may be made in any sufficient form, including in person, virtual, mail, or email.

2.08-03 Sufficiency of evidence

Following an Investigation and within five working days upon receipt of the Respondent's written response, the Assistant Dean of Student Affairs, or designee, shall determine if there is sufficient evidence to bring a charge(s) against the student(s) and proceed with a Hearing.⁴ If insufficient evidence exists, the case may be dismissed.

2.09 REFERRAL TO A HEARING BEFORE THE DISCIPLINARY COMMITTEE

If the Investigation produces sufficient evidence to bring a formal charge and refer the case to a Hearing, the Assistant Dean of Student Affairs, or designee, shall notify the student of the specific charge(s) and refer the matter and all documentation to the Chair of the Disciplinary Committee for the Hearing. All notifications should be made within five working days upon the receipt of the student's written response to the allegations. There is nothing to prevent the Assistant Dean of Student Affairs from adding a supplementary statement of her findings, questions or concerns to the Chair.

2.09-01 Notice

Within five working days upon receipt of the referral, and at least five working days prior to the scheduled Hearing, the Chair of the Disciplinary Committee shall give notice to the Respondent of:

⁴ A hold may be put on the student's transcript, or the awarding of a degree delayed until the Hearing process is complete.

- a. The date, time and location of the Hearing;
- b. The names of the members of the Hearing Panel;
- c. A statement of the charge(s) to be presented at the Hearing;
- d. A list of the names of the witnesses who will testify at the Hearing.⁵
- e. A copy of, or access to, all written documentation that will be referred to the Hearing Panel.

Notice may be given in person, by mail to the Respondent's last known address, by email to the Respondent's NCCU email on file or by any other official means of notification adopted by the Law School now or in the future.

2.09-02 Availability of File

The Chair may, in his/her discretion, make the case file, in part or in its entirety, available to Complainant(s).

2.09-03 Witnesses and Affidavits

The Chair may summon any witnesses, including the Assistant Dean of Student Affairs, who he/she believes may provide pertinent information.

- a. Members of the School of Law community are expected to comply with a summons issued, unless compliance would result in significant and unavoidable hardship.⁶
- b. Affidavits are admissible if signed by the affiant and witnessed by the Assistant Dean of Student Affairs, or designee, the Chair of the Disciplinary Committee, or a notary. Unless the individual making the affidavit personally appears at the Hearing, it may be used for the purpose of supplementing or explaining other evidence only, but shall not be sufficient to support a finding by itself. A copy of any affidavits considered in a Hearing shall be given (or shown) to the Respondent prior to the Hearing.
- c. If either party believes that a fair Hearing cannot be held without the testimony of a particular witness and, after good faith attempts are made, the witness either fails or refuses to appear, the Chair may postpone the Hearing until the witness agrees to appear, dismiss the charges against the Respondent, or direct that the Hearing proceed without the witness.

2.09-04 Multiple Parties Charged

Where more than one student is charged with an offense arising from a single, or connected, occurrence(s), a single Hearing may be held for all students so charged. Within twenty-four hours of notification of the hearing from the Chair, any Respondent may make written application to the Chair for a separate Hearing setting forth the facts on which he or she relies to demonstrate that a consolidated Hearing would prejudice him or her. The decision of the Chair shall not be subject to appeal.

⁵ Every effort should be made to confirm the list of witnesses in advance, but the Chair shall not be prohibited from calling additional witnesses at any time if the Chair deems their testimony relevant.

⁶ If the witness is unavailable to appear in person, other means such as telephone, Zoom, Skype or video-conferencing may be used.

2.10 REFERRAL TO MEDIATION BETWEEN THE PARTIES

The Assistant Dean of Student Affairs may, in some cases, refer the matter to Mediation between the complainant and respondent. The Mediator shall be appointed by the Assistant Dean of Student Affairs and may not be a member of the Disciplinary Committee. Cases appropriate for Mediation would include peer disputes that resulted in damage to property, minor harassment cases, communicating threats, etc. Academic integrity cases, assault, harassment, or ethical violations are not appropriate for Mediation. Mediation is a voluntary process and both parties must be willing to attempt to resolve the matter in this way. The parties may reach a confidential and mutual agreement in Mediation, or may withdraw from the Mediation and request to proceed with a Hearing.

2.11 REFERRAL TO FACILITATION FOR DISCIPLINARY SANCTIONS ONLY

Up until twenty-four hours prior to the Hearing, a Respondent may accept responsibility for the alleged charge(s) and request to meet with a Facilitator, appointed by the Dean and who is not a member of the Disciplinary Committee, for the sole purpose of discussing appropriate sanctions. The Facilitator and Respondent may agree upon a sanction, taking into account any aggravating or mitigating factors, precedent and the Respondent's past disciplinary history. Academic integrity cases, assault, harassment, or ethical violations are not appropriate for Facilitation.

- a. If such an agreement is made, the Facilitator shall prepare a brief written summary, including the specific charges to which the Respondent accepted responsibility and the sanctions agreed upon. Both the Facilitator and Respondent shall sign this agreement.
 - i. The Facilitator shall present the agreement as a recommendation to the Dean for approval. If approved, the Dean shall notify the student in writing, with a copy to the Assistant Dean of Student Affairs for the student's file and a copy to the Associate Dean for Academic Affairs for implementation.
 - ii. There shall be no opportunity to appeal this agreement.
- b. If no agreement is reached, the Facilitator shall notify the Assistant Dean of Student Affairs that a Hearing before the Disciplinary Committee shall proceed, for the sole purpose of determining the sanction. Any conduct, statements or relevant evidence presented during any aspect of the disciplinary process, including the discussion with the Facilitator, may become part of the case file and available to the Hearing Panel.

2.12 DISCIPLINARY HEARINGS GENERALLY

- a. The focus of inquiry in disciplinary proceedings shall be to determine whether a student(s) has violated the Code of Student Conduct and, if so, to determine appropriate sanctions.
- b. The Chair and members of the Hearing Panel are expected to serve both investigatory and adjudicative roles. They shall be allowed to call witnesses and to question the Respondent, Complainant, Assistant Dean of Student Affairs or any other individual with information relating to the complaint.
- c. The Chair may exclude any party or witness at any time during the Hearing, other than the Respondent.

- d. The Chair shall make all necessary rulings on evidentiary matters with the following guidelines:
 - i. The Chair will respect the rules of confidentiality and privilege, but otherwise will admit all matters into evidence that reasonable persons would accept as having probative value in the conduct of their affairs.
 - ii. The Chair may exclude evidence if its probative value is substantially outweighed by its potential to cause unfair prejudice, confusion, or needless delay of the Hearing.
- e. Respondents who fail to appear after proper notice shall be deemed to have pled no contest to the charges pending against them.
- f. Disciplinary Hearings shall be closed to the public.
- g. An audio recording of the Hearing, but not the closed deliberations of the Hearing Panel, shall ordinarily be made by the Chair and maintained by the Assistant Dean of Student Affairs. If a recording is not made for any reason, the decision of the Hearing Panel must include a summary of the testimony and shall be sufficiently detailed to permit review in the event of an appeal.
- h. The Assistant Dean of Student Affairs shall maintain a complete case file, including the tape, all documentation and correspondence generated throughout the case.
- i. The Associate Dean for Academic Affairs shall be responsible for taking all necessary steps for implementation of a sanction and shall give official notice to the Respondent of his/her change in status.

2.13 RIGHTS OF THE RESPONDENT

- a. Students subject to disciplinary action shall have the right to a Hearing before the Disciplinary Committee.
- b. Throughout the disciplinary process, the Respondent has the right to remain silent.
- c. The Respondent may present witnesses to the Hearing who will testify on his/her behalf. The Respondent shall notify the Chair at least twenty-four hours prior to the Hearing of these witnesses, and the Chair will exercise discretion over the order and time allowed for all witness testimony.
- d. The Respondent may bring an advisor or attorney to act as either support or a representative at the Hearing. Advisors and attorneys shall be aware that Disciplinary Hearing procedures are different from those employed in legal proceedings and may be asked to leave by the Chair if they interfere with the Hearing process.
- e. The Respondent may challenge a member of the Hearing Panel on the ground of personal bias by delivering a written statement to the Chair setting forth the facts on which he or she relies within twenty-four hours of notification of the Panel members' names. The Chair shall determine whether the facts presented are grounds for disqualification and his/her decision shall not be subject to appeal.
- f. At least twenty-four hours prior to the scheduled Hearing, the Respondent may request, in writing to the Chair, for postponement of the Hearing. The decision of the Chair shall not be subject to appeal.

- g. The Respondent may raise any issues of procedural unfairness prior to the Hearing in writing to the Chair who shall make the decision whether to proceed or dismiss the case.
- h. The Respondent has the right to be present throughout the Hearing.
- i. The Respondent may request of the Chair to speak to the Panel without the presence of the Complainant or witnesses.

2.14 DISCIPLINARY HEARING PROCEDURES

- a. In advance of the Hearing, the Chair will make available to Respondent and the Hearing Panel all evidence gathered during the Investigation. Participants in the Hearing may present new evidence at the Hearing, but efforts should be made by all parties to submit any relevant evidence at least twenty-four hours prior to the Hearing so that the Chair can make it available in advance to the Panel and to the Respondent. The Chair may in his/her discretion determine whether to admit such new evidence.
- b. All participants offering testimony at the Hearing shall be asked to affirm that their testimony is truthful.
- c. The Chair may ask the Assistant Dean of Student Affairs to present the case to the Panel in the event that additions or clarifications to the written evidence would assist the Hearing Panel.
- d. The Respondent, or his/her representative, will be given an opportunity to make brief opening comments.
- e. Following all opening comments, the Respondent may question the Complainant or witnesses, or may raise issues of concern regarding their testimony with the Hearing Panel. The Chair and the Hearing Panel may ask questions of the Respondent or any witness. Neither the Complainant nor any witness may directly question the Respondent but may raise issues, make comments or present questions to the Hearing Panel.
- f. At the completion of the questioning, the Hearing Panel shall retire to closed deliberations.
- g. Each Respondent shall be regarded as not in violation of the rules of this Code unless the Hearing Panel determines the contrary based on the facts adduced at the Hearing.
- h. The standard of clear and convincing evidence shall be employed in all Hearings conducted under this Code.
- i. All decisions shall be by majority vote. Each Panel member shall vote and may not abstain. The Chair shall not be considered a voting member of the Hearing Panel.
- j. Any determination that a student violated the rules of this Code will generally be immediately followed by a supplemental proceeding in which the Respondent, the Complainant (or victim if he or she is not the Complainant), and the Assistant Dean of Student Affairs, or designee, may submit evidence or make statements concerning the appropriate sanction to be imposed. These statements or evidence may include the student's prior disciplinary record and the penalties provided in previous cases involving similar offenses.

- i. A Respondent's past disciplinary record⁷ shall only be made available to the Panel after a determination of violation has been reached.
 - ii. All rights and procedures applicable during the initial part of the Hearing shall apply as the Panel considers an appropriate sanction.
- k. The Chair shall notify the Respondent immediately following a decision.
- l. The Chair, or a designated member of the Hearing Panel, shall complete a brief written summary of the decision and submit it within three working days to the Assistant Dean of Student Affairs and the Associate Dean of Academic Affairs who will make it available to the Respondent and to the Law School Registrar who will maintain the record in the student's file

2.15 APPEAL PROCEDURES

- a. An accused student who has been found in violation of this Code may appeal to the Faculty of the Law School within five working days upon receipt of the written summary of the Panel.
- b. The accused student shall submit a written notice of appeal to the Dean, indicating the specific grounds upon which s/he is appealing. The specific grounds are:
 - i. An appeal of the finding that the Respondent violated the Code of Conduct;
 - ii. An appeal of the sanction imposed;
 - iii. An appeal on the basis of new evidence not reasonably available prior to the Hearing; and/or
 - iv. An appeal on the basis of specified procedural errors in the disciplinary process.
- c. The Dean shall transmit the notice of appeal to the Faculty, and shall provide a record of the proceedings for faculty examination.
- d. Deference shall be given to the determinations of Hearing Panels and the scope of review by the Faculty shall be limited to determining:
- e. Whether there was evidence presented from which rational persons could have reached the same decision as that of the Panel;
- f. Whether the sanction is consistent with precedent and with the standards of the Law School;
- g. Whether new evidence is now available, that was not reasonably available at the time of the Hearing and that is material to the extent it could have either impacted the finding or the sanction; or
- h. Whether the Panel acted in accordance with these procedures for hearing accusations of violations of these regulations.
- i. A trial de novo is not permitted upon appeal. The Faculty, by majority vote (excluding any member from the original Hearing Panel or complainant), may:
 - i. Affirm the finding and the sanction as determined by the original Hearing Panel;
 - ii. Affirm the finding and remand the determination of sanction to the original Hearing Panel. On remand, the Panel may not increase

⁷ A student's "disciplinary record" includes only those incidents where the student either has admitted responsibility or has been determined to be responsible for a previous violation of the Code of Student Conduct, whether by agreement or through a Hearing before the Disciplinary Committee.

- the sanction originally imposed; or
- iii. Remand the case to the original Hearing Panel with a written summary of the reasoning and the specific issue to be deliberated.
 - j. If any aspect of the case is remanded, it shall be at the Chair's discretion whether to recommence a Hearing with the Respondent and witnesses present or simply reconvene the Hearing Panel for further deliberations.
 - k. In the preparation of an appeal, the Respondent may have access to the written summary of the hearing and the tape of the proceedings of the Hearing. The Respondent may not have custody of the original tape, but may obtain a copy from the Assistant Dean of Student Affairs.
 - l. The Dean will generally be expected to give written notice of the Faculty's decision to the Respondent within five working days of the filing of the appeal by the Respondent (this deadline may be extended in order to get a quorum of the Faculty together). A copy of the decision shall be sent to the Assistant Dean for Students Affairs to be added to the case file. In his/her discretion, the Associate Dean for Academic Affairs may also notify the Complainant.
 - m. As students of North Carolina Central University, there is a final level of appeal through the University disciplinary system. Please see "The Student Code of Conduct" for the University for further information.
 - n. At the discretion of the Associate Dean for Academic Affairs, the imposition of sanctions will normally be deferred during any appellate proceedings and the status of a student shall not change until the avenues of appeal described in this Code have been exhausted, except that a hold may be put on a student's transcript or a degree withheld pending completion of the appeals process. Once these avenues have been exhausted, or when a Respondent elects to forego further appeal, it shall be the responsibility of the Associate Dean for Academic Affairs to oversee the implementation of the imposed sanction.

2.16 DISCIPLINARY SANCTIONS

Sanctions for violations of disciplinary regulations consist of:⁸

- a. *Warning*: Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- b. *Disciplinary Probation*: A student who is placed on disciplinary probation may continue to participate in student activities but shall be ineligible to represent the university in any official function or leadership position, including but not limited to student leadership positions and competition teams. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion.
- c. *Restitution*: Repayment to the School or to an affected party for damages resulting from a violation of this Code.
- d. *Suspension*: Exclusion from School of Law and University premises, and other privileges or activities, as set forth in the suspension notice. Suspension is of two types, term and/or conditional.

⁸ A student may receive more than one sanction for a single incident.

- i. A term suspension shall be for a stipulated period of time after which the student may return to the School of Law and University community.
- ii. A conditional separation shall condition re-entry of the student upon fulfillment of specified requirements. The suspension shall continue until the Assistant Dean of Student Affairs determines that the conditions have been satisfied. While on term or conditional suspension, a student shall not be permitted to earn credits in any other department at the University. Additionally, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a degree from the School of Law or any other University department.
- e. *Expulsion*: Permanent termination of student status, and exclusion from School of Law premises, privileges and activities.
- f. *Other Sanctions*: Other sanctions, including community service, may be imposed instead of, or in addition to, those specified herein. Other sanctions are in the discretion of the Hearing Panel.
- g. The presumptive sanction for a case of academic dishonesty is separation, temporary or permanent, from the school and University. The grade in the course will remain in the discretion of the faculty member. Any deviation from the presumptive sanction depends upon the nature and importance of the assignment, the degree of premeditation or planning, the extent of dishonest or malicious intent, the academic experience of the student, and a student's prior disciplinary record.
- h. Repeated convictions for violations of established rules and regulations, regardless of the seriousness of the individual offense involved or any aggravated violation, may result in either expulsion or suspension.

2.17 DISCIPLINARY FILES AND RECORDS

- a. Case referrals will result in the development of a disciplinary file in the name of the Respondent.
- b. Disciplinary files will be kept, and released, in accordance with the Family Educational Rights and Privacy Act.⁹
- c. Students shall be aware that all disciplinary complaints and actions are generally required to be reported to the Board of Law Examiners as a part of the bar examination investigation. A notation will be made and placed in the file regarding the outcome of the investigation or hearing.
- d. A hold may be placed on a student's University records while disciplinary proceedings are pending.
- e. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled or suspended.

2.18 INTERIM SUSPENSION

- a. The Dean, or designee, may suspend a student from the School of Law for an interim period pending disciplinary or criminal proceedings. The interim suspension shall become immediately effective without prior notice whenever the

⁹ The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99.

Dean, or designee, determines the continued presence of the student poses a substantial and immediate threat to himself/herself, to others, or to property.

- b. Any student placed on interim suspension will be given an opportunity to appear at a formal Hearing within ten working days of being placed on suspension or as soon as practical after the Respondent is prepared to participate in a Hearing.
- c. Any student placed on interim suspension may continue to receive and submit assignments, take exams, and review records of class if available (student may request that class be taped although it is at the discretion of the faculty member).