

Campus Activities



APPALACHIAN STATE UNIVERSITY®

DEPARTMENT OF STUDENT ENGAGEMENT & LEADERSHIP

Organizational Code of Conduct

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Purpose and Goals of the Organizational Code of Conduct

Appalachian State University is an academic community dedicated to teaching, scholarship, research, service, inclusion, and the holistic development of students. As an academic community, the University has an interest in the safety, welfare, and education of the members of this community and in fostering an environment consistent with the educational mission, purpose, and processes of the University.

The mission of Student Engagement & Leadership states that learning takes place within formal and informal instructional settings with dedicated faculty members, in co-curricular programs that enrich the classroom experience, in interdisciplinary educational formats, and through outreach to the local community and beyond. Appalachian's strategic plan states in part that we will continue to provide students with a transformational education by creating and maintaining intellectually challenging academic programs and co-curricular experiences that involve them in civic engagement and community service.

It is through our Recognized Student Organizations that opportunities for growth and development are fostered outside the classroom. Recognized Student Organizations are an integral part of Appalachian's educational experience. When Recognized Student Organizations voluntarily associate with the University, they assume obligations of performance and behavior consistent with the University's mission, processes, and functions. These expectations of student organizations in an academic community are higher than those expected of other citizens.

The Organizational Code of Conduct, administered by the Office of Campus Activities, applies to all Appalachian State University Recognized Student Organizations. Actions by individual members of a student organization in the course of their association with that student organization may also be subject to disciplinary action under the Code of Student Conduct administered by the Office of Student Conduct. Nothing in the Organizational Code of Conduct shall preclude the University from taking action against individual students under the Code of Student Conduct.

The University acknowledges that student organizations have rights and responsibilities as members of the Appalachian State University community and that the University has expectations regarding the behavior of its members which extends beyond the classroom into all aspects of life. Included in the responsibilities of the Office of Campus Activities and University Recreation (UREC) is the responsibility to educate Recognized Student Organizations and their members about community standards and prohibited conduct, promote student learning and accountability and facilitate the development of thoughtful, responsible, and engaged members of the community. Through the Organizational Code of Conduct, the Office of Campus Activities and UREC strive to reduce and prevent behavior that undermines academic success and that negatively detracts from the educational mission of the University; to ensure the health and safety of students and the community; to provide timely support and resources for students, and to prevent violence in and around the University community.

The process by which Appalachian State University educates Recognized Student Organizations who violate the community standards of the Organization Code of Conduct is through disciplinary review and imposition of sanctions. Decisions made using the Organizational Code of Conduct take into consideration both the rights of these groups and the needs of the University in accomplishing its educational goals and mission. In exercising its disciplinary authority, the University is committed to the principle of fundamental fairness for Recognized Student Organizations. The Organizational Code of Conduct is administered without regard to race, color, national origin, religion, sex, gender identity and expression, political affiliation, age, disability, veteran status, genetic information, or sexual orientation.

The goals of the proceedings under the Organizational Code of Conduct are as follows:

- 1) to facilitate an understanding of the University's community standards;
- 2) to help the Recognized Student Organization determine the level of responsibility for their behavior;
- 3) to determine with the Recognized Student Organization reasons for their misconduct;
- 4) to help bring the Recognized Student Organization's behavior into compliance with the community standards;
- 5) to aid the Recognized Student Organization in clarifying their values and how the values relate to the behavior in question;
- 6) to assist the Recognized Student Organization in making decisions that will be consistent with the expectations of student organizations.
- 7) to help the Recognized Student Organization better understand the consequences of their behavior;
and
- 8) to protect the safety and welfare of the University community.

ARTICLE I - DEFINITIONS

- 1.1 **“Advisor”** is an attorney or non-attorney Advisor who may represent a Respondent Organization, at any point in the disciplinary proceedings except for a Formal Resolution involving the Organizational Student Conduct Board. The Advisor may fully participate only to the extent and in the same manner, afforded to the Recognized Student Organization(s) they represent, except that the Advisor may not provide testimony. The Advisor may not, in the sole discretion of the individual facilitating the meeting, delay, disrupt, or otherwise interfere with the proceeding. The Advisor may not participate should the Recognized Student Organizations select to seek a Formal Resolution using the Organizational Student Conduct Board.
- 1.2 **“Appellate Officer”** is the University official with the authority to review and make decisions on appeals. The Appellate Officer shall be the Associate Vice Chancellor for Student Affairs or another University official designated by the Associate Vice Chancellor.
- 1.3 **“Associate Vice Chancellor”** is an administrative position within the Division of Student Affairs who has been charged with responsibility for serving as the appeal officer for the Organizational Code of Conduct process. The Associate Vice Chancellor may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Associate Vice Chancellor include any such designee.
- 1.4 **“Board”** is the Organizational Conduct Board. The “Board” shall be composed of Appalachian State University students who are selected from the student body with representation sought from the various types of Recognized Student Organizations at Appalachian. Additional information about the makeup of the Board can be found in Section 6 of this code.
- 1.5 **“Chancellor”** is the Chancellor of Appalachian State University. The Chancellor may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Chancellor include any such designee.
- 1.6 **“Clery Act”** is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) and its implementing regulations (34 CFR Part 668), as amended.
- 1.7 **“Club Council”** is a recognized governing body composed of representatives from all

Recognized Student Organizations and is responsible for providing governance of and advocacy for its member organizations.

- 1.8 **“Clubs Sports Council”** is a recognized governing body composed of representatives from all Club Sports recognized by University Recreation (UREC) and is responsible for providing governance of and advocacy for its member organizations.
- 1.9 **“Code”** is the Appalachian State University Organizational Code of Conduct, unless the context specifically indicates otherwise.
- 1.10 **“Complainant”** is any individual or entity that submits a report regarding an alleged violation(s) of this Code.
- 1.11 **“Consent”** is clear, knowing, voluntary, and sober permission, through words or actions, for another individual to do something that affects the individual giving consent. Consent is based on choice and must be informed, freely and actively given, and mutually understandable, indicating a willingness to participate in a mutually agreed-upon activity.
- 1.12 **“Crime of Violence”** is an act(s) that would constitute any of the following offenses or attempts to commit the following offenses: arson, assault, burglary, criminal homicide – manslaughter by negligence, criminal homicide - murder and non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses, as defined by FERPA.
- 1.13 **“Day”** is a business day on which the University is open.
- 1.14 **“Director”** is the Director of Student Engagement and Leadership, or designee, at Appalachian State University. The Director may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Director include any such designee. The Director is subject to the authority of the Vice Chancellor for Student Affairs and the Chancellor. The Director of Student Engagement and Leadership shall administer the provisions of this Code, perform the responsibilities given the position by this Code, advise the Vice Chancellor for Student Affairs on changes that should be considered in this Code, and train the Boards.
- 1.15 **“Disciplinary Action”** is the imposition of a sanction authorized by this Code.
- 1.16 **“Faculty Member” or “University Faculty”** is any individual hired by the University to teach in any capacity as defined by the University’s Faculty Handbook.
- 1.17 **“FERPA”** is the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g) and its implementing regulations (34 CFR Part 99), as amended.
- 1.18 **“Force”** is the use of physical violence or physically imposing on someone to gain sexual access. Force also includes threats, intimidation (e.g., implied threats), and coercion that overcome resistance or produce consent.
- 1.19 **“Formal Charge”** is the point at which (a) the Respondent Organization accepts an Informal Resolution as set forth in Section 6 of this Code or (b) the written notice of a hearing is provided to the Respondent Organization as set forth in Section 6 of this Code.
- 1.20 **“Formal Resolution”** is the process whereby the Respondent Organization selects to have the allegations filed against them and the consideration of formal charges conducted by the Organizational

Student Conduct Board which is composed exclusively by students. A Respondent Organization that elects this option may not be represented by an Advisor in proceedings before the Board.

- 1.21 **“Fraternity”** is a local or national organization sharing common personal or professional interests. The organization may use the designation of “fraternity” in its name or title. The term fraternity includes both single-sex and coed organizations.
- 1.22 **“Good Organizational Standing”** is a Recognized Student Organization’s status when there are no pending cases or sanctions with Campus Activities or UREC.
- 1.23 **“Informal Resolution”** is the process whereby the Respondent Organization elects to have an Organizational Conduct Review Officer make the determination of responsibility for an alleged violation. A Respondent Organization that elects this option may be represented by an Advisor in the informal process.
- 1.24 **“Interfraternity Council (IFC)”** is a governing body composed of representatives from the University’s fraternities and is responsible for providing governance of and advocacy for its member organizations.
- 1.25 **“Investigator”** is a University official assigned by the Director to impartially investigate and gather information as it relates to an allegation.
- 1.26 **“May”** is used in the permissive sense.
- 1.27 **“Member of the University Community”** is any individual who is a student, faculty member, staff member, or other individual employed by or volunteering for the University.
- 1.28 **“Multicultural Greek Council (MGC)”** is a governing body composed of representatives from the University’s fraternities and sororities affiliated with the Multicultural Greek Conference and is responsible for providing governance of and advocacy for its member organizations.
- 1.29 **“National Pan-Hellenic Council (NPHC)”** is a governing body composed of representatives from the University’s fraternities and sororities affiliated with the National Pan-Hellenic Conference and is responsible for providing governance of and advocacy for its member organizations.
- 1.30 **“Organizational Conduct Advisor”** is a University official designated by the Director to (a) assist the Respondent Organization and any of the Respondent Organization’s witnesses in regard to a Formal Resolution or (b) present the University’s case and assist the Complainant and University witnesses in regard to a Formal Resolution.
- 1.31 **“Conduct Resolution Administrator”** is a University official appointed by the Director of Student Engagement and Leadership who has the authority to facilitate an Informal Resolution or refer a case to a Board for Formal Resolution.
- 1.32 **“Panhellenic Council (PHC/NPC)”** is a university-funded organization comprised of sororities and responsible for providing governance of and advocacy for its member organizations.
- 1.33 **“Possession” or “Possessing”** is physically holding or controlling the subject item or owning or controlling a room, car, or other area where the subject item is present. The presence of the subject item in a room, car, or other area creates a presumption that the person owning or controlling the

room, car, or other area possessed the subject item.

- 1.34 **“Reasonable Individual”** is a reasonable individual under similar circumstances and with similar identities to the individual who is the subject of the behavior in question.
- 1.35 **“Recognition”** as it relates to Recognized Student Organizations is the process whereby Appalachian State University formally acknowledges a student group and affords it specific privileges associated with that recognition, including but are not limited to the use of the University name, access to facilities for activities consistent with the Recognized Student Organization’s purpose, inclusion in university-sponsored activities, eligibility to apply for funding, and participation in related programs or activities.
- 1.36 **“Recognized Student Organization”** is any student group that has received approval through established University recognition processes which may include, but is not limited to, approval by the Office of Campus Activities or University Recreation.
- 1.37 **“Respondent Organization”** is any Recognized Student Organization who is alleged to have committed a violation(s) of this Code. The representative for the Recognized Student Organization shall be the President or another member holding a similar position.
- 1.38 **“Shall” or “Will”** is used in the imperative sense
- 1.39 **“Sorority”** is a local or national organization sharing common personal or professional interests. The organization may use the designation of “fraternity” in its name or title. A sorority is generally, but not always, an organization composed of women.
- 1.40 **“Student”** is any individual who, at the time of the incident, has accepted an offer of admission to the University; is taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; or has any other continuing relationship with the University. This includes, but is not limited to, new students at Orientation, individuals not currently enrolled but who are still seeking a degree from the University, non-degree seeking student, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a credit-earning course offered by the University. For the purposes of this Code, an individual who allegedly provided false information or omitted information on an application and has participated in courses at the University shall be considered a student.
- 1.41 **“They”** and any of its inflected forms (e.g., them, their, themselves) is used in a generic sense, referring to either a singular or plural entity.
- 1.42 **“University”** is Appalachian State University, a constituent institution of The University of North Carolina, with its main campus located in Boone, North Carolina. This includes any officially designated location.
- 1.43 **“University Official”** is an employee of the University acting in the performance of their assigned duties, capacity, or authority. This includes any individual who is a student employee, faculty member, staff member, or other individual employed by or volunteering for the University.
- 1.44 **“University Premises”** are buildings or grounds owned, leased, operated, controlled, or supervised by the University.

- 1.45 **“University-Sponsored Activity”** is any activity on- or off-campus which is initiated, aided, authorized, or supervised by the University or a University organization.
- 1.46 **“Vice Chancellor for Student Affairs”** is the Vice Chancellor for Student Affairs of Appalachian State University. The Vice Chancellor for Student Affairs may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Vice Chancellor for Student Affairs include any such designee.
- 1.47 **“Weapon”** is any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, or powerful explosive, BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for the preparation of food, instruction, and maintenance, or identified as a weapon by [North Carolina General Statute § 14-269.2.1.53](#)
- “Witness” is an individual who has direct experience with, or knowledge of, events, issues, or circumstances related to the incident. Witnesses may be identified by a University Official, Complainant, or Respondent.
- 1.48 Terms not specifically defined in this Code shall be defined by the Merriam-Webster’s Dictionary, located at www.merriam-webster.com/dictionary. Terms not defined in the Merriam-Webster’s Dictionary shall be defined according to their plain and ordinary usage.

ARTICLE II - AUTHORITY AND JURISDICTION

2.1 Authority of the University

Per [The Code of the Board of Governors of the University of North Carolina Section 502 D\(3\) – Chancellors of Constituent Institutions](#), the Chancellor has full authority in the regulation of student conduct and discipline. The Chancellor may delegate such authority to University administrators or other officials as set forth in this Code or in other appropriate policies, regulations, or rules. The Chancellor has delegated this authority through the Vice Chancellor for Student Affairs to the Campus Activities office and the Department of Student Engagement & Leadership

2.2 Authority of the Code

This Code is the University’s primary policy governing Recognized Student Organization behavior. The provisions of this Code are not contractual covenants between the University and the Recognized Student Organization. The University reserves the right to change this Code at any time during a Recognized Student Organization’s period of recognition. Such changes will be communicated to members of the University community through various publications. Each Recognized Student Organization is responsible for maintaining current knowledge of this Code. An operating unit of the University (e.g., academic colleges or departments, University Housing, Campus Activities, UREC, Athletics, International Education and Development) may also establish conduct standards for the student organization/departmental relationship, so long as those standards are consistent with the provisions of this Code or establish higher standards of conduct set forth in this Code. Disciplinary action pursuant to this Code does not preclude additional action by the operating unit. Sanctions applied under this Code cannot be waived or modified by the operating unit. Sanctions may be imposed by the operating unit in lieu of sanctions applied in proceedings under this Code only when done in consultation with the Director.

2.3 Jurisdiction of the Code

Violations of University policies, rules, or regulations; or violations of federal or state laws, local ordinances, or laws of other national jurisdictions may constitute a violation of this Code and result in disciplinary action. The University has authority over all conduct that occurs on University premises and reserves the right to consider a Recognized Student Organizations' off-campus behavior when it is determined that the off-campus behavior is detrimental to the University and its educational mission. Behavior that occurs at any college or university may be processed under this Code in the same manner as on-campus behavior.

a. *Violation of Law and University Disciplinary Proceedings*

The procedures provided in this Code are not intended to be equivalent to the process of federal, state, or local laws and do not determine whether criminal conduct has occurred. Criminal procedures do not address the educational mission of the University. The University may initiate disciplinary proceedings when a Student Organization is charged with a violation of law that may also constitute a violation of this Code. The University reserves the right to proceed under this Code prior to, concurrent with, or subsequent to civil litigation, criminal arrest, or criminal prosecution. The University fully cooperates with law enforcement agencies to the extent permitted by law. The outcome of a criminal or civil legal process is not determinative of the outcome of a University disciplinary process.

b. *Off-Campus Violations and University Disciplinary Proceedings*

The primary types of off-campus violations addressed include, but are not limited to, the following:

- i.** felony charges;
- ii.** act of harm charges, including, but not limited to, assault, harassment, hazing or threats;
- iii.** driving while impaired (DWI) charges or charges of driving by individuals less than twenty-one (21) years old after consuming alcohol or drugs;
- iv.** repeated or high-risk alcohol misdemeanor charges;
- v.** repeated or high-risk drug misdemeanor charges;
- vi.** behavior that occurs at any college or university may be processed under this Code in the same manner as on-campus behavior; and
- vii.** activities of a Recognized Student Organization or members of a Recognized Student Organization that clearly conflict with the University's interests and mission, including, but not limited to, patterns of behavior that put the health and safety of others at risk or show disregard for the policies of the University

c. *Violation of Governing Organization Policies and Procedures*

University disciplinary proceedings may be initiated against a Recognized Student Organization. Activities of a Recognized Student Organization or two or more members of a Recognized Student Organization that clearly conflict with the University's interests and mission, including, but not limited to, patterns of behavior that put the health and safety of others at risk or show disregard for the policies of the University.

The following criteria will be utilized when determining whether conduct might reasonably be associated with a student organization. Specifically, the conduct (which may be an act of commission or an act of omission) must involve one or more members of a student organization. Members may be general members, officers, or new/associate members. Additionally, the conduct must meet one or more of the following criteria:

1. The conduct is sanctioned by the student organization and/or any of its officers ("sanctioned by" may include, but is not limited to, the following: active or passive consent or encouragement; having prior knowledge that the conduct was likely to occur; or helping to plan, advertise, or promote the conduct); or

2. The conduct is committed during the course of an activity financed by the organization, or financed as a result of one or more members of the student organization contributing personal funds in support of the activity or conduct in question; or
3. The conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members; or
4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; or
5. Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or sanctioned by the student organization; or
6. Members of the student organization attempted to conceal the activity or protect other members who were involved; or
7. One or more officer(s) of the organization had prior knowledge or reasonably should have known that the incident would take place.
8. Failure to meet administrative or governing body (e.g. MGC, NPHC, PHC, IFC, Club Council, Club Sports Council, etc.) administrative requirements which include, but are not limited to a deadline to submit forms or lists, deadlines for signing up for participation in activities or programs, failure to submit required reports, etc. will be clearly defined and understood by the Recognized Student Organization through their respective governing bodies and/or through the Office of Campus Activities or UREC. In such cases where patterns of misconduct or issues involving rules and policies persist, the governing body may recommend that the Recognized Student Organization be sent through the Organizational Code of Conduct process for violation of this Code, including but not limited to Failure to Comply.

At the discretion of the Director, student organization violations may be processed by the appropriate self-governing bodies provided they have received adequate training from the Office of Student Conduct. Any such bodies will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

2.4 Freedom of Expression

The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States Constitution and the North Carolina Constitution. The University has the right, under appropriate circumstances, to regulate the time, place, and manner of exercising these and other constitutionally-protected rights. In administering this Code, due care will be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. This will be done in accordance with [UNC Policy 1300.8](#) regarding Free Speech and Free Expression.

2.5 University as Complainant

As necessary, the University reserves the right to initiate a complaint, to serve as complainant, to appoint a proxy complainant, and/or to initiate conduct proceedings without a formal complaint. If there appears to be reliable information indicating that a violation may have occurred, the student conduct process will be initiated. Reports may also be addressed through other non-conduct procedures.

2.6 Notification of Outcomes

The resolution of a process in the Office of Student Conduct is generally considered part of an education record and protected from unauthorized disclosure under the Family Educational Rights and Privacy Act (FERPA). However, the University may release the final results of any informal or formal resolution,

without a Respondent's prior consent, in the following circumstances where permitted, or required, by law:

- a. The University will release the results of any disciplinary proceeding to an alleged victim of any crime of violence or non-forcible sex offense.
- b. University Officials will be notified of any final resolution that requires their action.
- c. The University is required to release, as public records, disciplinary records of students who have violated the University's sexual misconduct policies. These records are subject to mandatory disclosure under North Carolina's Public Records Act.

2.7 Parental Notification

The Office of Student Conduct may notify parents or guardians of students under the age of 21 of certain alcohol or drug violations. This notification generally will take place upon the determination of a violation by a Student Conduct Administrator in the student conduct process. Unless there are extenuating circumstances, the Office of Student Conduct will generally not notify parents or legal guardians of students under the age of 21 of first-time alcohol violations.

2.8 Disputing Allegation(s)

Lack of familiarity with University policy, intoxication or impairment from alcohol, drugs, or other substances, or an individual's disability is not an excuse or defense to a violation of the Code. Defending actions is admitting to a policy violation. "Yes, we fought, but they started it." This still means there was a fight, and that violates University standards of behavior. Unless specifically noted in the policy definition, intent is not a required element to establish a policy violation. While a defense will not excuse violations of the Code, the legitimacy of defense will be taken into consideration in assigning sanctions.

2.9 Online Misconduct

The Code includes behavior conducted online, via e-mail, or through other electronic mediums. Appalachian State University does not regularly search for this information but may take action if such information is brought to the attention of University Officials.

ARTICLE III - RIGHTS OF RESPONDENT ORGANIZATIONS AND INDIVIDUALS

3.1 Rights of the Respondent Organization

The Respondent Organization has the following rights:

- a) to be provided a fundamentally fair process;
- b) to be presumed not responsible for a violation of this Code until determined otherwise;
- c) to be given written notice of any allegation(s) or formal charge(s) of prohibited conduct;
- d) to review the information that will be presented in any resolution, provided that the information may be given to the Respondent Organization in a redacted format;
- e) to present relevant information on their behalf;
- f) to obtain support, advice, or assistance from support individuals, an Organizational Conduct Counselor, or an Advisor if Informal Resolution is sought or upon appeal;
- g) to have sanction(s) imposed on the basis of the guidelines set forth in this Code;

- h) to be informed of the final decision and results of a disciplinary proceeding;
- i) to request, on behalf of its member(s), reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Appalachian State University Office of Disability Services;
- j) to confront, in some manner, the allegations and information presented relevant to the formal charge(s) against them, which in all cases will be brought forward by the University;
- k) to request, that a member of a Board be excluded from the hearing on the basis of a conflict of interest;
- l) to not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of this Code. When an organizational representative refuses to speak, therefore avoiding questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage of the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the student's officers on behalf of the Respondent Organization or its Advisor if an informal resolution is sought, provided that the summation is not a substitute for the statement the Respondent Organization declined to provide;
- m) to pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair;
- n) to appeal any decision of a Board, pursuant to this Code and;
- o) to have supervised access to a recording of the hearing proceedings.

3.2 Rights of the Complainant

The Complainant has the following rights:

- a) to be provided a fundamentally fair process;
- b) to file a complaint within one hundred eighty (180) days following the date on which an alleged violation of this Code occurred;
- c) to file criminal charges or pursue civil action in addition to any action taken under this Code;
- d) to have prior disciplinary history excluded from the information presented during a Board's deliberation of findings for any charge(s);
- e) to have sanction(s) imposed on the basis of the guidelines set forth in this Code;
- f) to request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Appalachian State University Office of Disability Services;
- g) to review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format;
- h) to present relevant information on their behalf;
- i) to obtain support, advice, or assistance from support individual or an Organizational Conduct Advisor if an Informal Resolution is sought or appeal is filed, pursuant to relevant sections in Article VI of this Code;
- j) to know the identity of individuals speaking or providing written information for

consideration at any hearing;

- k) to be provided the same opportunities as the Respondent Organization to address any University official involved with the resolution of the complaint, including being present during the findings stage of the hearing;
- l) to request that a member of a Board be excluded from the hearing on the basis of a conflict of interest;
- m) to not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of this Code. When a student refuses to speak, therefore avoiding questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage of the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the Respondent Organization or Advisor if an Informal Resolution or appeal is sought, provided that the summation is not a substitute for the statement the student declined to provide;
- n) to pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair;
- o) to appeal a decision of a Board panel, as permitted under section 7.01 of this Code

ARTICLE IV - PROHIBITED CONDUCT

All Recognized Student Organization are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. Recognized Student Organizations act through their members and officers and any misconduct on the part of these individuals may be attributed to the Recognized Student Organization.

In determining whether a Recognized Student Organization is responsible for the alleged violation, the Board or University official may consider, but are not limited to considering a) whether the allegations involved the leadership or membership of the organization in either an official or unofficial capacity; 2) that the alleged violation occurred as a result of the organizational affiliation of the alleged individuals involved; 3) that the leadership or membership of the organization did have or should have had knowledge of such actions or activities; 3) organization funds were used to finance the function; 4) it occurred in the context of an Organization-sponsored function; 5) it occurred in the context of an Organization-sponsored activity that was advertised via Organization-controlled mediums (e.g., social media); and/or other thresholds that a reasonable person or body might consider when an organizational affiliation is a factor in an allegation. Recognized Student Organization must also abide by the Code of Student Conduct as it relates to individual or group actions. Prohibited conduct includes, but not limited to the following:

4.1 Acts of Harm

- a. *Physical Violence* - Engaging in any form of violence against another person, including but not limited to, pushing, shoving, kicking, hitting, or other physical actions.
- b. *Threats* – Threatening another individual or group, whether communicated to one or more individuals, physically, verbally, or by any other means such that the individual or group reasonably believes that the threat is likely to be carried out. Examples include, but are not limited to, intimidation, and coercion.
- c. *Reckless Behavior* – Intentionally or recklessly causing any act that creates a substantial risk of bodily harm to another.
- d. *Acts Against University or Emergency Personnel* – Placing a University Official or Emergency

Personnel (e.g. Police Officer, Firefighters, EMT, etc.) in fear or at risk of physical harm or danger or inflicting physical harm upon a University employee.

- e. *Threats Towards a University-Sponsored Activity* – Directing threats of violence in order to disrupt a University-sponsored activity.
- f. *Bullying/Cyberbullying* – Engaging in repeated or severe aggressive behaviors that intimidate, intentionally harms, controls, or seeks to control another individual physically, mentally, or emotionally. Examples include, but are not limited to, spreading rumors, teasing, taunting, and intentionally embarrassing another individual.

4.2 Alcohol

- a. *Underage Possession/Use* – Possessing or using alcohol while under the age of twenty-one (21).
- b. *Improper Possession/Use* – Possessing or using alcohol where it is not permissible to do so, regardless of age.
- c. *Providing to Minors* – Providing alcohol to any individual under the age of twenty-one (21).
- d. *Public Intoxication* – Being intoxicated in public attributable in part or in whole to the use of alcohol.

4.3 Disorderly Conduct

- a. *Disruption of Student Environment* – Intentionally disrupting, obstructing, or interfering with a student’s living or learning environment.
- b. *Disruption of University Functions or University-Sponsored Activities* – Intentionally disrupting, obstructing, or interfering with the University’s educational mission, operations, business, or functions ([Facility Use Policy-Section 4.1.10](#)).
- c. *Obscene Conduct* – Lewd, indecent, or obscene conduct.
- d. *Rioting/Raiding* – Rioting, inciting to riot, assembling to riot, raiding, inciting to raid, or assembling to raid operating units or University property.
- e. *Public Disturbance* – Creating a public disturbance, including, but not limited to, fighting or other violent behavior/conduct; creating the threat of imminent fighting or other violence; committing a nuisance or generally engaging in disruptive behavior; using language that is likely to provoke a reasonable individual to violent retaliation; and disrupting, disturbing, or interfering with the academic atmosphere of a living or learning environment.
- f. *Excessive/Disruptive Noise* – Engaging in excessive or disruptive noise, including, but not limited to, the public use of unapproved amplified sound and the amplification of sound in a manner that disrupts or disturbs the normal functioning of the University.
- g. *Non-Consensual Electronic Recording* – Creating, using, or sharing a photograph, video, or audio recording without consent or authorization that places or is likely to place that individual at risk of physical, mental, or emotional harm.

4.4 Drugs

- a. *Schedule I-II Manufacturing/Selling/Delivering* – Manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver, any substance identified as a Schedule I-II controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar relevant provisions of federal or foreign law, including, but not limited to, heroin, cocaine, ecstasy, LSD/acid, mushrooms, opium, amphetamines (e.g., Adderall), and

methamphetamines.

- b. *Schedule I-II Possession/Use* – Possessing or using any unauthorized substance identified as a Schedule I-II controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar relevant provisions of federal or foreign law, including, but not limited to, heroin, cocaine, ecstasy, LSD/acid, mushrooms, opium, amphetamines (e.g., Adderall), and methamphetamines.
- c. *Schedule III-VI Manufacturing/Selling/Delivering* – Manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver, any substance identified as a Schedule III-VI controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar relevant provisions of federal or foreign law, including, but not limited to, marijuana and synthetic cannabis (K2, spice, etc.).
- d. *Schedule III-VI Possession/Use* – Possessing or using any unauthorized substance identified as a Schedule III-VI controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar relevant provisions of federal or foreign law, including, but not limited to, marijuana and synthetic cannabis (K2, spice, etc.).
- e. *Prescription Medication* – Misusing medically prescribed drugs.
- f. *Over-the-Counter Drugs* – Misusing over-the-counter drugs.
- g. *Huffing/Sniffing* – Huffing or sniffing any substance not intended for such use.
- h. *Paraphernalia* – Possessing drug paraphernalia, including, but not limited to, pipes, scales, bongs, blow tubes, and roach holders.

4.5 Endangerment

4.6 Failure to Comply

- a. *Obstruction of Personnel* – Intentionally delaying, obstructing, resisting, or failing to comply with the reasonable request of an individual who, in the performance of their duties, identifies themselves as an employee of the University or emergency personnel.
- b. *Sanctions* – Failing to comply with sanctions imposed under this Code.
- c. *Unapproved Events*- Failing to comply with the rules and regulations of holding sanctioned and approved events as outlined by the Office of Campus Activities and UREC.
- d. *Failing to Adhere*-failing to adhere to or comply with any policies, procedures, actions of a governing or advocacy body to which the Recognized Student Organization is a member and/or subject to the policies or decisions. This includes, but is not limited to Appalachian State University, nationally affiliated organizations, IFC, PHC, NPHC, Club Council, and Club Sports Council.

4.7 False Information

- a. *Misleading* – Furnishing false information to the University or emergency personnel with the intent to deceive or mislead, including, but not limited to, filing a false complaint alleging misconduct by another individual. Providing information in good faith, which later is determined to be without merit, shall not be considered a violation of this Code.
- b. *False Statements* – Knowingly making in public a false oral statement or knowingly publishing/distributing a false written or printed statement with the intent to deceive or mislead.

- c. *Misuse of University Documents* – Forging, altering, or misusing University documents or records.

4.8 Gambling

- a. Operating, playing, or betting on any game of chance at which any money, property, or other things of value is bet, except as permitted by law. Examples of gambling include, but are not limited to, betting on, wagering on, or selling pools on any University athletic event; possessing any card, book, or other device for registering bets; offering, soliciting, or accepting a bribe to influence the outcome of any athletic event; and card games that result in individual profit or loss.

4.9 Harassment

- a. Engaging in verbal, physical, electronic, or other conduct based upon an individual's protected status (as defined in Policy [110 Discrimination and Harassment](#)) that creates a hostile environment or involves a quid pro quo exchange. Harassment occurs when this type of conduct unreasonably interferes with an individual's: Educational environment (e.g., admission, academic standing, grades, assignment, etc.); Work environment (e.g., hiring, advancement, assignment, etc.); Participation in a University program or activity (e.g., campus housing, extra-curricular activities, etc.); or Receipt of legitimately requested services (e.g., disability or religious accommodations, etc.)

4.10 Hazing

- a. Causing or permitting an individual, as part of an initiation or as a criterion or perceived criterion of membership in a society, club, athletic team, or similar group or organization, to participate in any activity that subjects or is likely to subject that individual or others to risk of physical, mental, or emotional harm, or destroys or removes property, whether or not that individual has consented to hazing participation in the activity. Silent participation or being in the presence of hazing is not a neutral act; they are considered a violation of this provision.

4.11 Projectiles

- a. Throwing or launching any object or substance, which has potential for damaging or defacing property or causing physical harm or disruption.

4.12 Retaliation

- a. Treating an individual and/or organization adversely because that individual or organization filed a complaint or concern, provided information relative to a complaint or concern, or otherwise was involved in such a complaint or concern in any way.

4.13 Sex-Based Misconduct

Please see the Sex-Based Misconduct Policy at <https://titleix.appstate.edu/>

4.14 Stalking

Engaging in any actions on more than one occasion directed at a specific individual that places or is likely to place a reasonable individual in fear or at risk of physical, mental, or emotional harm for themselves or others. Such actions may occur directly, indirectly, or through a third party, and may include, but are not limited to, unwelcome communication of any type (e.g., face-to-face, telephone calls, voice messages, electronic mail, written letters or notes); unwanted gifts; pursuing/following; observing/surveillance; or interference with property.

4.15 Solicitation and Fundraising

- a. Soliciting or fundraising on University premises without authorization

4.16 Theft or Unauthorized Possession

- a. Taking or possessing the property of another without permission.

4.17 Unauthorized Entry or Access

- a. *Elevators* – Entering into an elevator shaft or riding on top of an elevator car without authorization.
- b. *University Premises* – Entering or accessing University premises without authorization.
- c. *Property of Another* – Entering or accessing the property of another without permission.

4.18 Vandalism

- a. Engaging in an act that intentionally or recklessly damages, destroys, or defaces property owned by another.

4.19 Violation of Law

- a. Committing or attempting to commit an act that would be in violation of any federal, state, or local law, and that is not covered under any other provision of this Code.

4.20 Violation of University Policies, Regulations, or Rules

- a. Violating any written policies, regulations, or rules of the University, as adopted by the University and as may be amended from time to time, including but not limited to, rules and regulations established by University Housing or the Residence Hall License and Contract Agreement, [Policy 301.5 – Bicycle Helmets](#), [Policy 303.24 – Animals on Campus](#), and [Policy 303.25 – Smoking on University Property](#).

4.21 Weapons

- a. *Explosives* – Possessing a dynamite cartridge, bomb (homemade or otherwise), grenade, mine, powerful explosive, or any other similar device.
- b. *Firearms/Weapons* – Possessing any firearm or weapon on University premises without authorization, except as otherwise explicitly allowed by law.
- c. *Displaying/Brandishing* – Displaying or brandishing a firearm or weapon of any kind, or any item that may be used or perceived as a firearm or weapon, in a manner that would reasonably create a fear of harm to others.

ARTICLE V - EDUCATIONAL SANCTIONS

Sanctions are intended to educate organizations on the effects of their behavior and invoke change in future decision making. An Organization Conduct Review Officer or Board may implement or add to any of the sanctions listed in this Article, pursuant to the guidelines set forth in this Code.

5.1 Sanctioning Options

Sanctions that may be issued include the following:

- *Organizational Warning* – official disciplinary action conveying to the organization that their behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Probation, Organizational Suspension, or Revocation of University recognition. Notification will also be sent to any national or regional organization with whom the

group is affiliated.

- *Organizational Probation* – pre-suspension period in which the organization’s behavior is under University review, conveying that the behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Suspension or Revocation of University recognition. Notification will also be sent to any national or regional organization with whom the Recognized Student Organization is affiliated.
 - i. Organizational Probation shall be imposed for a period no less than the remainder of the current semester.
 - ii. A Recognized Student Organization that has violated this Code while currently on Organizational Probation shall be suspended as a minimum sanction.
 - iii. A Recognized Student Organization that has violated this Code and has previously been on Organizational Probation, but is not currently on Organizational Probation, *may* be placed on Organizational Probation as a minimum sanction.

- *Organizational Suspension* – The purpose of organizational suspension is to create separation between the Recognized Student Organization and the University and to provide the organization with an opportunity to address any issues. Organizational suspension of official University recognition will be a period of no less than two years. Notification will also be sent to any national or regional organization with whom the Recognized Student Organization is affiliated.
 - i. Suspension may be effective immediately or deferred until the end of the current semester.
 - ii. Suspension will include any on and off campus behavior and activities conducted by the organization that violates this Code.
 - iii. During the period of Suspension, the Recognized Student Organization will have all benefits of University recognition suspended. A suspended Recognized Student Organization may not participate in University Sponsored Activities, participate in events and activities as an organization on or off campus, use or schedule University facilities and cannot use Appalachian’s name or marks in any manner for any purpose.
 - iv. The suspension and all associated documentation shall be maintained in the Recognized Student Organization official University records maintained by the Office of Campus Activities.
 - v. A date at which time the Recognized Student Organization may request to petition to return to campus is contingent upon fulfillment of all requirements as outlined in section 5.2 of this Code.
 - vi. A Recognized Student Organization that has violated this Code and has previously been suspended shall be suspended as a minimum sanction

- *Revocation of University Recognition* – permanent revocation of University recognition subject to the right to petition for reinstatement as described in this section. Removal of University recognition will be for a period of no less than four years. Notification will also be sent to any national or regional organization with whom the University Recognized Student Organization was affiliated.

- i. Shall be effective immediately.
 - ii. Removal of University Recognition will include any on and off campus behavior and activities conducted by the organization that violates this code.
 - iii. All benefits given to a Recognized Student Organization shall be permanently removed.
 - iv. A notation of removal and all associated documentation shall be maintained in the former student organization's official University record maintained by the Office of Campus Activities.
 - v. The former Recognized Student Organization may petition the Associate Vice Chancellor for Student Affairs to rescind the removal no earlier than four (4) years after the effective date of the removal. The Associate Vice Chancellor's determination regarding reinstatement shall be based on the former Recognized Student Organization petition and relevant documentation supporting or opposing the rescindment as outlined in section 5.2 of this Code.
 - vi. If the Revocation of University Recognition is rescinded, the organization will be required to follow the New Club Chartering Process as outlined in the Student Organization Policy Manual. If the organization is a social fraternity or sorority, it must follow the process as outlined in the Fraternity and Sorority Life Organizational Growth Policy.
- e. *Additional Sanctions* – sanctions that may be given in addition to Sections 5.01a-d of this Code include, but are not limited to, the following:
- a. exclusion from intramural competition;
 - b. loss of all privileges granted as a part of recognition for Recognized Student Organization;
 - c. restitution for loss, damage, or actual expenses incurred as a result of the Recognized Student Organization behavior;
 - d. suspension of rushing, recruiting, or intake processes;
 - e. loss of social privileges where the Respondent Organization may not sponsor any activity, party, or function that is social in nature during the established period of time;
 - f. requirements for additional training or advisement from Student Engagement and Leadership staff, advisory boards, or other appropriate parties
 - g. participation of Recognized Student Organization (its officers, other members or full membership) in educational programming, including but not limited to alcohol and other drugs counseling or reflection activities;
 - h. ban for a definite or indefinite period of time from all or a portion of any University premises or University-sponsored activities;
 - i. any other sanction determined appropriate as a result of an Informal or Formal Resolution.

5.2 Petition to Return after Suspension or Revocation

At the conclusion of the suspension or revocation period, the organization may petition to return to

campus. In order to petition, the organization must clearly meet all suspension requirements as outlined in the suspension letter. The organization must effectively disband for the duration of the suspension period including, but not limited to:

- a. Ceasing all operations, activities, and functioning on and off campus as a University Recognized Student Organization.
- b. If the organization is associated with an inter/national or regional organization, the local organization must close and desist any and all internal and external operations.
- c. Organization name, letters, and/or images should not be used in any advertising or promotional materials. This includes, but is not limited to, using the organization's names or letters on social media platforms, flyers, websites, listservs, etc.
- d. The return of the organization is not automatic. Failure to meet these requirements could result in the denial of the organization's petition to return. If the petition is accepted, the organization must follow the New Club Chartering Process as outlined in the Student Organization Policy Manual. If the organization is a social fraternity or sorority, it must follow the process as outlined in the Fraternity and Sorority Life Organizational Growth Policy.

5.3 Compelling Factors

To maintain fairness and consistency, absent any compelling factors, the minimum sanction will be imposed. Where a sanction less than the minimum is being considered, the responsibility shifts to the Respondent Organization to offer reasons for a lesser sanction to be imposed. Compelling factors, which may warrant a sanction less than or greater than the minimum may include, but are not, limited to:

- prior disciplinary history;
- the nature of the behavior/violation, as well as the degree of any damage, injury, or harm resulting from the behavior/violation;
- composition of organization's current membership. This includes, but is not limited to, the class standing of current members (i.e. graduating seniors through first year students), number of members, etc.
- assistance and support from the organization's inter/national or regional office, if applicable;
- information provided in an impact statement; and
- the professional judgment of an Organization Conduct Review Officer or Board.

ARTICLE VI - PROCESS FOR ADDRESSING PROHIBITED CONDUCT

6.1 Notification and Written Communication

Pursuant to University Policy 915 – (E-Mail as Official Means of Communication), all forms of written communication shall be delivered via the official Appalachian email to the listed officers (President and/or other officers) on behalf of the Recognized Student Organization and this communication shall be considered notification to the Recognized Student Organization. Special circumstances may require that written communication be through personal delivery or U.S. mail.

Written communication shall be considered delivered on the date e-mailed, hand-delivered, or three days after the communication is mailed.

6.2 Reporting Allegations

Accusation or reports of suspected violations by a Recognized Student Organization must be delivered to the Office of Campus Activities in accordance with the below procedures:

- a) Any members of the University community or other individuals/groups with knowledge of an alleged violation may submit a complaint of misconduct against a Recognized Student Organization to the Office of Campus Activities. The complaint should be submitted as promptly as feasible after the occurrence. A delay in reporting may be reasonable under some circumstances, as determined on a case-by-case basis. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the merits of a complaint. In any event, a complaint must be made within one hundred eighty (180) days following the date on which an alleged violation of this Code occurred. In extenuating circumstances, the timeline for filing a complaint may be extended.
- b) To be considered, a complaint must include factual information supporting the allegation(s). Anonymous complaints may not be the sole basis of a referral under this Code. Information provided through public electronic sources or public records (e.g., criminal citations, etc.) may be used as a complaint of misconduct.
- c) The Director will, in their professional judgment on the basis of the provided information or in consultation with appropriate University Officials, determine (a) if a complaint shall be pursued or dismissed, (b) the most appropriate means for addressing the complaint (e.g., investigation, informal resolution, formal resolution). This determination should be made within ten (10) days after the complaint is submitted; however, a reasonable extension of this time limit is permissible.
- d) If it is determined that the information reported does not warrant an allegation, a notification letter may be issued to involved parties to clarify the policy in question.
- e) Allegations of misconduct will be presented to the Respondent Organization in writing and will include the alleged violation(s) and details about next steps relevant to this Code. The representative for the Respondent Organization will be the President or another member holding a similar position. All communication will be transmitted through the President or another member holding a similar position of the Respondent Organization with a copy to the Associate Vice Chancellor and/or the National Organization if applicable.
- f) Allegations of sexual misconduct involving either Recognized Student Organizations or members of a Recognized Student Organization will follow University Policy as outlined in the Code of Student Conduct.

6.3 Standard of Proof

- a) The University must establish that the Respondent Organization is responsible for the alleged violation(s) by a preponderance of the evidence (i.e., that it is more likely than not that the

Respondent Organization violated this Code). This determination must be based solely on the information presented, which may include, but is not limited to, pertinent records (e.g., complaints, police reports, investigative reports), exhibits (e.g., photographs, audio/video information, social media information), and written/oral statements. Formal rules of evidence and procedure do not apply.

6.4 Presence of Support Individuals and Advisors

- a) The Respondent Organization and the Complainant have the right to be accompanied by up to two support individuals. These individuals are present to provide emotional support to the student(s). The support individuals may not participate in the proceedings, address any participants, or, in the sole discretion of the individual facilitating the meeting (e.g., Organizational Conduct Review Officer, Chair), delay, disrupt, or otherwise interfere with the proceeding.
- b) At any point except for a Formal Resolution involving the Organizational Conduct Board, the Respondent Organization and the Complainant may be represented by one Advisor. Notification of the Advisor's planned participation, as well as other required documents related to their participation must be submitted at least two days prior to the meeting. This documentation must be requested from the Director in advance by the Respondent Organization or Complainant. Failure to submit the required documents may, at the discretion of the Director, result in the Advisor not being permitted to participate in the meeting.
- c) Reasonable effort will be made to accommodate the availability of support individuals or an Advisor, when permitted under this policy; however, the availability of involved parties (Respondent Organization and Complainant), witnesses, the Organizational Conduct Review Officer, Board members, and other necessary participants as well as the expectation to promptly complete the proceeding may, in the discretion of the Director, take priority when determining the meeting date and time.

6.5 Interim Action

In appropriate circumstances, the Director, in consultation with appropriate University officials, may impose an Interim Action or Interim Suspension on a Recognized Student Organization who has allegedly violated this Code. During a period of Interim Action, the student organization may have restrictions placed upon them, including but not limited to, social restrictions. During a period of Interim Suspension, the student organization shall be banned from all University premises and University-sponsored activities, and is subject to loss of University recognition if found on any University premises or at a University-sponsored activity. A notice of Interim Suspension shall be provided in writing to the Respondent Organization

a) Circumstances Where Interim Suspension May Apply

Interim Suspension shall be exercised only when the Director reasonably believes that the Recognized Student Organization's alleged misconduct is of such a serious nature that their continued status as a Recognized Student Organization at the University is (a) potentially threatening, harmful, or dangerous to others or the University community; (b) posing a threat of significant property damage; (c) impacting the stability and continuance of normal University functions; (d) directly and substantially impeding the lawful activities of others; or (e) is in the best interest of the University and/or its community.

6.6 Investigations

- a) In some instances, the Director or designee may assign an Investigator to investigate an alleged violation(s) of the Code. If so, a written notice of investigation will be delivered to the Respondent Organization.
- b) The role of the Investigator is to gather information and impartially review the alleged incident by interviewing involved parties and witnesses in order to be able to provide a comprehensive review of the incident. The investigation may include review of written statements, audio recordings, pictures, social media information, text messages, class schedules, police investigation reports, and other relevant information.
- c) During an investigation, the Respondent Organization will have the opportunity to present relevant information and identify relevant witnesses.
- d) If the representative for the Respondent Organization does not schedule a meeting by the date specified or fails to appear for a scheduled meeting, the Investigator may complete the investigation on the basis of other information obtained.
- e) At the conclusion of an investigation, the Investigator shall prepare a written report that includes a synopsis of all available relevant information, a statement regarding information that is not disputed, and a statement regarding information that is still in question. Prior to the report being presented to the Director for review, the Investigator shall provide an opportunity for the involved parties and witnesses to review their own statements for accuracy.
- f) After the investigation report is received by the Director, they shall meet with the Respondent Organization.
- g) Once all parties have been afforded an opportunity to review the investigation report, an electronic copy shall be provided to the Respondent Organization.
- h) Investigations are normally concluded, including submission of the written report, within twenty-five (25) days of referral to the Investigator. If additional time is needed, all parties will be notified of the reason for delay and a projected timeline for completion.

6.7 Informal Resolution

- a) During an Informal Resolution, the Organizational Conduct Review Officer will, in their professional judgment on the basis of the provided information or in consultation with appropriate University officials (e.g., Title IX Coordinator; the Dean of Students, etc.), propose findings regarding any alleged violation(s) and may specify any sanction(s) described in this Code. The Director may also refer any case directly to a hearing without the option of an Informal Resolution.
- b) If the representative for the Respondent Organization accepts the Informal Resolution, they waive their right to a Formal Resolution and, if applicable, accept responsibility for the violation(s) and the sanction(s) imposed.
- c) If the representative for the Respondent Organization declines the Informal Resolution, the case will be referred to the Organizational Conduct Board for formal resolution.
- d) The Respondent Organization may be given up to three (3) days to review the informal resolution and decide if they would like to accept or decline the proposed findings and sanctions.
- e) The resolution must be delivered in writing to the Respondent Organization within five days.

f) An Informal Resolution may not be appealed.

6.8 Formal Resolution

- a) Unless an Informal Resolution is accepted, the Organizational Conduct Review Officer shall refer the case to a hearing for Formal Resolution with the Organizational Conduct Board. The Director may also refer any case directly to a hearing without the option of an informal resolution.
- b) The Director will determine which formal resolution body will address the formal charge(s) by considering the nature of the allegation(s), scheduling, or any extenuating factors. A Formal Resolution can be obtained through one of the following:
- Administrative Hearing – Except as indicated below, an Administrative Hearing generally
 - will be conducted by a three-person Administrative Hearing Board consisting of the
- c) Associate Director of Campus Activities or designee and two members from a pool of trained University officials. A case may be referred to a single Hearing Administrator when one or more of the following circumstances exists:
- i. The case arises at a time when the Conduct Board(s) cannot be convened (e.g., during holidays, semester breaks, or summer sessions);
 - ii. A backlog of cases has developed;
 - iii. The case is complex and/or involves a large number of parties or witnesses; or
 - iv. Other circumstances that, in the sole discretion of the Director, warrant use of a single Hearing Administrator in order to advance the prompt and equitable resolution of cases or to support the orderly administration of cases being considered under this Code
- d) The Organizational Conduct Board shall be composed of students selected by an application and interview process overseen by the Office of Campus Activities. Recruitment of students to serve on the Board will be campus-wide with efforts to include membership from organizations represented by the various student governing and/or advocacy boards including but not limited to Club Council, Club Sports Council, IFC, MGC, NPHC, and PHC.
- e) The chair of the Board will be a student. All members, including the Chair, shall be full-time students in good disciplinary standing with a cumulative grade point average of 2.5 or above; the Chair must be classified as a junior or above with a cumulative grade point average of at least 2.75 and must have served on the Organizational Conduct Board for at least one semester. All members shall serve one-year terms, which may be renewed.
- f) The Director shall appoint a panel consisting of five (3) members from the Board for each case. There will also be a chair appointed by the Director for each case in addition to the three (3) Board members.
- g) The Board through its Chair is delegated the authority to conduct hearings in a manner designed to effectively and efficiently elicit information needed for the Board to make its decisions. This includes the authority to review the admissibility of any information, to question witnesses, to limit the length of testimony of any participant if the testimony appears

to be repetitious or irrelevant, and to remove any participant who is unruly or disruptive. The Board Chair is charged with the responsibility to conduct the hearing in a manner that will do the following:

- i. ensure a fundamentally fair process;
 - ii. protect the rights of the Respondent Organization and Complainant; and
 - iii. ensure that participants are treated with respect.
- h) Prior to considering the charges, the Chair shall address the following:
- i. the procedures that the Board will follow;
 - ii. the hearing being closed to the public;
 - iii. the importance of confidentiality of the proceedings;
 - iv. the University's commitment to the principle of fundamental fairness;
 - v. the presumption that a Respondent Organization is not responsible for a violation of this Code until determined otherwise; and
 - vi. whether any Board member wishes to recuse themselves due to a conflict with, bias about, or interest in the case.
- i) Special accommodations may be provided for testimony by alternate methods (e.g., room divider, teleconference, video conference). Such accommodations are at the discretion of the Chair in consultation with the Director.
- j) All hearings will be recorded, and the recordings will serve as the verbatim record. The University retains the sole right to record hearings. No other recordings may be made of the hearings.
- k) All hearings are closed to the public.
- l) The Respondent Organization may request that a board member be excluded due to bias. This request must be made immediately after the introduction of the Board and requires justification. Additionally, a Board member may recuse themselves if they believe there is a conflict with, bias about, or interest in the case. The Chair shall make the final decision whether to exclude any Board member; this decision cannot be appealed.
- m) The Board and/or Respondent Organization, may ask reasonable questions of any witnesses appearing at the hearing, including, but not limited to, the Investigator. This is not intended to preclude the introduction of written statements, previously written memoranda, letters, or other written material. When practical, the opportunity for questioning should be afforded; however, other information may be introduced at a hearing even though the writer is not present for questioning. Members of the Board shall attach whatever weight or significance to these documents or statements they deem appropriate.
- n) To determine findings for any alleged violation(s), a vote by the Board will be taken in a closed executive session and will be based solely on the information presented during the hearing. The Board shall base its determination on information that it finds to be reliable, including any assessment of the credibility of information. A vote of "responsible" by a simple majority of the members present, excluding the Chair, shall be required to find the Respondent Organization responsible for any violation(s).

- o) Information regarding any prior disciplinary history may not be introduced or considered in deliberations regarding findings of responsibility.
- p) If the Respondent Organization is found responsible, any information related to the Recognized Student Organization prior disciplinary history, may be introduced and considered by the Board in determining a sanction. A Complainant involved in an alleged crime of violence may provide an impact statement. This statement is not binding on the Board, but will be given such weight as the Board deems appropriate.
- q) Decisions of the Board are final and may not be appealed, except for Organizational Suspension or Revocation of University Recognition, which may be appealed as set forth in section 7.1 of this Code.
- r) A final decision must be made within ten (10) days of the date of the hearing. Notice of the decision must be delivered in writing to the Respondent Organization within five (5) days of the decision. The notice will include a brief summary of the information upon which the decision is based and shall specify any appeal rights.

ARTICLE VII - APPEALS

7.1 Purpose and Grounds for Appeal

- a) The purpose of the appeal process is to provide the opportunity for questioning the appropriateness of actions resulting in an Organizational Suspension or Revocation of University Recognition. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level.
- b) The Respondent Organization may appeal a decision for Organizational Suspension or Revocation of University Recognition based on the following grounds: (a) a violation of due process or (b) a substantial deviation from the policies and procedures set forth in this document.

7.2 Filing an Appeal

- a) Appeals must be submitted to the Associate Vice Chancellor for Student Affairs within five (5) days of the notice of the decision. The appeal must be submitted via an online form available from the Office of Campus Activities. In extenuating circumstances, an extension of time may be granted by the Associate Vice Chancellor. A request for an extension of time must be made in writing and approved by the Associate Vice Chancellor.
- b) The appeal must clearly state the grounds on which it is based and present specific reasons or justifications to support the appeal.
- c) The Appellate Officer shall either be the Associate Vice Chancellor or the Associate Vice Chancellor's designee. The Appellate Office shall resolve the appeal in accordance with section 7.03 below.

7.3 Resolving an Appeal

- a) The Appellate Officer may rule on the appeal upon receipt, or appoint a committee to recommend action on the appeal.
- b) The Appellate Officer may issue one of the following decisions:

- i. uphold the finding(s) of responsibility and sanction(s);
 - ii. uphold the finding(s) of responsibility and reduce, but not eliminate, the sanction(s);
or
 - iii. remand the case to the same or a new Board.
- c) A decision must be made within fifteen (15) days after the appeal is received by the Appellate Officer. Notice of the decision must be delivered in writing to the Respondent Organization within five (5) days of the decision
- d) The final results of an appeal decision made with respect to an alleged crime of violence shall be reported to the alleged victim in accordance with FERPA and the Clery Act.
- e) The decision of the Appeals Board or Officer is final and cannot be appealed further except as otherwise provided in The Code of the Board of Governors of the University of North Carolina Section 502 D(3) – Chancellors of Constituent Institutions. An Advisor for the Respondent Organization may be present at the appeal if the Respondent Organization so desires.

7.4 Deferral of Sanctions

At the discretion of the Associate Vice Chancellor, the imposition of a sanction(s) will normally be deferred during the resolution of an appeal. The sanction(s) may be imposed immediately following a decision if the Respondent Organization’s behavior was of such a serious nature that it (a) was threatening, harmful, or dangerous to others or the University community; (b) caused significant property damage; (c) impacted the stability and continuance of normal University functions; or (d) directly and substantially impeded the lawful activities of others.

ARTICLE VIII – DISCIPLINARY RECORDS

All Recognized Student Organization disciplinary records are the property of the University and are maintained by the Office of Campus Activities with copies related to club sports organizations maintained in UREC. Disciplinary records may include, but are not limited to, complaints, police reports, correspondence, case summaries, written information, and audio recordings. Disciplinary records include both electronic and paper records.

ARTICLE IX – REVIEW AND REVISION

9.1 Annual Review

- a) Subject to the authority of the Vice Chancellor for Student Affairs and the Chancellor, this Code shall be reviewed annually by a committee composed of staff, faculty, and students to determine appropriate revisions that are in the best interest of the University and aligned with the Student Code of Conduct. These revisions shall be considered recommendations to the Chancellor.
- b) The Chancellor reserves the right to appoint other such committees or groups as they deem appropriate to advise them on changes or revisions to this Code.

9.2 Changes Beyond the Annual Review

The Chancellor reserves the right to review and amend this Code at any time.

RELEVANT POLICIES

The Code of the Board of Governors of the University of North Carolina

- a) UNC Policy Manual 700.4.1.1[R] – Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advisor for Students and Student Organizations
- b) UNC Policy Manual 700.9.1-Recognition of Student Organizations

Appalachian State University Policy Manual

- a) Appalachian State University Code of Student Conduct
- b) Policy 104 - Facility Use
- c) Policy 105.3 – Policy Statement on the Family Educational Rights and Privacy Act of 1974, as Amended
- d) Policy 106 – Drugs and Alcohol
- e) Policy 110 - Discrimination and Harassment
- f) Policy 112 - Sex-Based Misconduct
- g) Policy 301.5 – Bicycle Helmets
- h) Policy 303.24 – Animals on Campus
- i) Policy 303.25 – Smoking on University Property
- j) Policy 901 – Use of Computers and Data Communications
- k) Policy 915 – Email as Official Means of Communication

Applicable Federal Laws and State General Statutes

- a) U.S. Department of Education Information about the Family Educational Rights and Privacy Act of 1974
- b) Department of Education Information about the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- c) North Carolina Controlled Substances Act – North Carolina General Statutes, Chapter 90, Article

Applicable University Student Governing and Advisory Bodies

- a) Student Organization Policy Manual
- b) Club Sports Council Constitution, By-laws, and Policies
- c) Interfraternity Council Constitution, By-laws, and Policies
- d) National Pan-Hellenic Council Constitution, By-laws, and Policies
- e) Panhellenic Council Constitution, By-laws, and Policies
- f) Multicultural Greek Council Constitution, Bylaws, and Policies
- g) Fraternity and Sorority Life Organizational Growth Policy