



**NORTH CAROLINA SCHOOL OF  
SCIENCE AND MATHEMATICS**

Title	<b>CODE OF STUDENT CONDUCT</b>
Authority	<b>Board of Trustees</b>
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The North Carolina School of Science and Mathematics is an exceptional School. Opportunities and challenges abound, allowing for the bright and dynamic people associated with the School to excel. Examples are apparent not only on special occasions, but also in daily life. The academic opportunities provide a unique and exciting learning experience in a residential setting that provides for students' needs and enhances their intellectual growth.

The students selected to attend the North Carolina School of Science and Mathematics bring with them a variety of backgrounds and expectations. The School is committed to working cooperatively with students and their parents to create the best possible environment. A major goal of NCSSM is enabling students to live independently. NCSSM offers many opportunities for students to grow as individuals, and they will have many opportunities for greater personal responsibility. With the increase in freedom comes the challenge of making positive decisions.

The NCSSM Code of Student Conduct exists to guide and inspire the entire community's decision-making process. This code provides students, parents/guardians, school employees, and the public with expectations for community behavior. All students 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.

**The NCSSM Code of Student Conduct is the commitment to follow the fundamental principles of integrity, responsibility, and respect. As community members, we agree at all times to be honest, kind, and respectful of people, property, and the free exchange of ideas. As good citizens, we will strive to reach our full potential and make NCSSM a better place.**

## DISCIPLINARY PROCEDURES

Any member of the NCSSM community who witnesses an incident that violates the above fundamental principles has the right and the responsibility to address that behavior. No written

document can provide for all circumstances; therefore, the exercise of discretion and good judgment is expected. The primary consideration in each decision must be “What is best for the community?”

In relation to students, the School defines three levels of seriousness of violations, each with an appropriate range of responses.

The Code of Student Conduct does not restrict in any way the authority of the Administration to make rules for the governance and operation of the School or the authority of other employees to make rules as are necessary for their respective areas of responsibility.

As a constituent institution of The University of North Carolina, NCSSM along with the University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution. The School and University have the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

Violations of School or University policies, rules or regulations, or federal, state, or local law may result in a violation of this NCSSM Code of Student Conduct and imposition of student discipline.

The School reserves the right to administer discipline if it is made aware of violations which have occurred off campus when students have signed out with parental permission.

## **LEVEL I**

### **Definition and Examples:**

Level I violations of the Code of Student Conduct are the minor, day-to-day incidents inherent in a community of several hundred students. These incidents refer to any activity that infringes on any student’s ability to live in a safe environment and support the goals defined in the School’s mission statement. Examples of Level I violations include, but are not limited to, excessive noise in the residence halls, failure to complete housekeeping assignments, violations of the curfew guidelines outside the scope of a Level II (see cell phone use, page 61 of the NCSSM Student Handbook), disregard for written or verbal instructions, excessive public display of affection (PDA), violations of safety procedures in the labs or on field trips, accumulated tardiness to class, and disruptions in class.

### **Procedures:**

The staff person assigning the level must verbally notify the student that the behavior violates the accepted principles of behavior, allow the student an opportunity to provide an explanation and inform the student of the consequences of that behavior. All such violations must be documented and recorded in the Student Disciplinary Database and delivered to the student in writing within

two academic days of the incident. A copy of the final disposition and sanction will be placed in the student's file.

**Sanctions:**

Sanctions for Level I violations include, but are not limited to, warnings, restricting movement about the campus, short-term confinement to the student's hall or room, work detail, being asked to leave a classroom, loss of privileges for field trips, or loss of other special privileges.

**Appeals:**

If a student feels the disciplinary action taken was not warranted, the student may request a review. In general, the Assistant Director of Residential Life will handle residential violations and the Director of Academic Programs will handle academic violations. The request for review must be submitted in writing to the appropriate reviewer within three academic days of receipt of the written notification. The request for review must be for one of the following reasons: 1) there was insufficient evidence that the student committed the violation, 2) appropriate procedures were not followed, or 3) the consequences issued exceeded the scope of the violation. The Director or Assistant Director will review the reasons for the request and respond in writing to the student within three academic days, unless extenuating circumstances are demonstrated. She/He may uphold, modify or dismiss the findings. The decision of the Director of Academic Programs or the Assistant Director of Residential Life is final. A copy of the final disposition and sanction will be placed in the student's file.

**LEVEL II**

**Definition and Examples:**

Level II offenses are more serious violations of the Code of Student Conduct and must be reported as soon as practicable to either the Assistant Director of Residential Life or the Director of Academic Programs. In general, the Assistant Director of Residential Life will handle residential violations and the Director of Academic Programs will handle academic violations. Examples of Level II offenses include, but are not limited to, the following:

**Academic Violations:**

- 1 Academic dishonesty such as cheating, plagiarism, falsification or fabrication of data, or otherwise violating the guidelines on academic integrity as established in the teacher's written course expectations;\*
- 2 Accumulation of four or more unexcused absences (See pages 23 and 24 of the NCSSM Student Handbook).

**Safety and Security Violations:**

- 1 Unauthorized access to classrooms, any areas after designated hours, and all off-limit areas at any time (See page 64 of the NCSSM Student Handbook);
- 2 Use or storing of an automobile within twenty-five miles of NCSSM without permission from the Director of Campus Resources;
- 3 Walking, running or biking alone off campus (See page 54 of the NCSSM Student Handbook);
- 4 Possession or use of another community member's access I.D. card.

**Other Violations:**

- 1 Disrespectful, rude, or disruptive behavior of any kind (whether physical, verbal, or by the use of electronic equipment) toward a member of the School community or visitor to the campus;
- 2 Repeated Level I violations (three of the same during any trimester or total of five for the year);
- 3 Smoking, possession or use of tobacco products, on or off campus, while under the jurisdiction of the School;
- 4 Falsification or lying to faculty/staff;
- 5 Aiding or abetting others in carrying out Level II violations.

\*All alleged instances of academic dishonesty must be reported by the teacher to the Director of Academic Programs or the Assistant Director of Residential Life. The teacher and the Director will make a determination of whether and, if so, how the teacher should handle the situation directly with the student, or whether there should be an informal Level II hearing.

**Procedures:**

The Assistant Director of Residential Life or Director of Academic Programs, upon notification of a possible Level II violation, will investigate and review the evidence to determine if there is sufficient cause to suspect a Level II violation has occurred. If there is sufficient cause, the Director or Assistant Director will charge the student in writing within five academic days and will resolve the Level II allegation in one of the following ways: 1) if the student does not contest the charge(s), thereby waiving any further hearing, the Director or Assistant Director will issue a sanction based on investigatory information already gathered or offer the option to work with the Honor Council; or 2) if the student contests the validity of the charge(s), the Director or Assistant Director will hold an informal hearing with the student and other relevant participants. The option to work with the Honor Council is limited to Level II violations of academic dishonesty, unexcused absences, walking, running or biking alone off campus, and smoking, possession or use of tobacco products. If the student contests the charge(s), a hearing will be conducted with the Assistant Director of Residential Life or Director of Academic Programs as the Hearing Officer. Any hearing will be held no earlier than three, but no later than five, academic days after the postmarked date of notification

to parents or guardians, unless the student requests ten days. The Hearing Officer will make a decision on the validity and seriousness of the charge and will assign appropriate sanctions. The Hearing Officer must render a decision as to whether a preponderance of evidence supports a finding that the student committed the violation and, if warranted, an appropriate sanction, within five academic days after the student has been notified of an uncontested violation or after a contested hearing, unless extenuating circumstances are demonstrated. All disciplinary hearings or appeals for Level II violations are closed meetings between the Hearing Officer and the student and his/her parents or guardians. If witness testimony or documents are presented, both parties have the right to be present during the presentation. Attorneys for the student or the School are not allowed to attend except as provided below.

**Sanctions:**

Sanctions for Level II violations may include, but are not limited to, written warnings, restricting movement about the campus, confinement to student's hall or room, work detail, probation, loss of privileges for field trips, loss of the privilege to participate in interscholastic sports or groups representing the School, repayment for damages to property, and the loss of other special privileges if appropriate.

**Appeals:**

If the student feels the findings were not warranted, the student may appeal to the Vice Chancellor for Student Life or the Vice Chancellor for Academic Programs. In general, the Vice Chancellor for Student Life will handle residential violations and the Vice Chancellor for Academic Programs will handle academic violations. The request for review must be submitted in writing within three academic days and must be based on one or more of the following reasons: 1) applicable procedures were not followed; 2) the evidence did not support the finding; 3) the violation(s) did not justify the sanction(s). The Vice Chancellor will review the written request, review the collected evidence and any other documented evidence presented. She/He may meet with the student prior to rendering a decision. The Vice Chancellor will respond in writing to the student within three academic days of the request for review. If extenuating circumstances are demonstrated, the final administrative decision may be issued within 45 days. She/He may uphold, modify or dismiss the findings. A copy of the decision will be placed in the student's file, and members of the student's Support Team will be notified of the results of the hearing. Other staff may be notified, if appropriate. The student's parents or guardians will be notified of the hearing results via certified mail. The decision of either Vice Chancellor is final.

**LEVEL III**

**Definition and Examples:**

Level III offenses are the most serious violations of the Code of Student Conduct and must be reported as soon as practical to the Assistant Director of Residential Life or the Director of

Academic Programs. In general, the Assistant Director of Residential Life will handle residential violations and the Director of Academic Programs will handle academic violations. Examples of Level III offenses include, but are not limited to, the following:

**State or Federal Law Violations:**

- 1 Possession, transportation or use of a controlled substance, misuse of prescription drugs, or possession of drug paraphernalia on or off campus while under the jurisdiction of the School;
- 2 Possession or consumption of an alcoholic beverage or possession with intent to sell or distribute on or off campus while under the jurisdiction of the School;
- 3 Theft, destruction or misuse of State or personal property;
- 4 Possession of a weapon (see page 65 of the NCSSM Student Handbook);
- 5 Physical or sexual assault;
- 6† Threat, coercion, harassment or intimidation of another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid School/University policy, while on School premises, or at School-sponsored activities, based upon the person’s race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran’s status.
- 7† Engaging in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: it is (a) directed toward a particular person or persons; (b) based upon the person’s race, color, religion, national origin, gender, sexual orientation, gender –identity, creed, disability, or veteran status; (c) unwelcome; (d) severe or pervasive; (e) objectively offensive; and (f) so unreasonably interferes with the target person’s employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the School’s resources and opportunities. (see pages 102-104 of the NCSSM Student Handbook).

† In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from the School’s General Counsel as appropriate.

**Academic Violations:**

- 1 Aggravated\* academic dishonesty, or repeated instance of academic dishonesty after a prior Level II violation;
- 2 Accumulation of 8 or more unexcused absences (see pages 23-24 of the NCSSM Student Handbook).

**Safety and Security Violations:**

- 1 Unauthorized access to, altering of or tampering with computer files, or computer accounts, including the use of someone else's computer account, in such a manner as to cause significant damage;
- 2 Unauthorized access to employees' offices, computer areas, or another student's room (see page 59 of the handbook);
- 3 Possession or use of a grand master/sub master key or use of a universal access I.D. card;
- 4 Tampering with, altering or vandalizing electronic access doors or hardware;
- 5 Activities which may place persons or property at risk, including use of open flames in residence halls, causing a fire or other hazard, or propping open exterior doors;
- 6 Major violations of the established in-residence curfew hours or being away from campus overnight without permission;
- 7 Leaving campus, with or without permission, alone, whether to bike, run, or walk, or attend an off-campus event (see page 59 of the Student Handbook).

**Other Violations:**

- 1 Inappropriate sexual behavior (see page 56 of the NCSSM Student Handbook);
- 2 Aiding or abetting others in carrying out Level III violations;
- 3 Violating the terms of probation from a previous Level II or Level III;
- 4 Repeated Level II violations (a third residential Level II violation during an academic year is a Level III violation);
- 5 Aggravated\* Level II violations;
- 6 Violations of the Internet/Acceptable Use Policy (see page 89 of the NCSSM Student Handbook).

\*Possible aggravating factors include premeditation, potential for physical harm to persons, extent of damage or loss, recruitment of others' participation, whether a repeated serious offense is involved, and prior disciplinary record.

**Procedures:**

The Director of Campus Resources, upon notification of a possible Level III violation, will investigate and review the evidence to determine if there is sufficient cause to suspect a Level III violation has occurred. Anonymous charges are not permitted. After consultation with the Assistant Director of Residential Life and the Director of Academic Programs, and notification of the Vice Chancellor for Student Life and the Vice Chancellor for Academic Programs, the student is notified in writing of the charges by the Director of Campus Resources within 10 academic days and provided an explanation of the three- step hearing process.

### **Step 1: Administrative Hearing Process**

The Administrative Hearing will be held no earlier than three, but no later than five, academic days after the postmarked date of notification to parents or guardians, unless the student requests up to ten days. This notification outlines the administrative hearing process and appellate rights. An Administrative Hearing is held with the student, parents or guardians, the Vice Chancellor for Academic Programs or Vice Chancellor for Student Life as Hearing Officer, and any other administrative, professional or support staff member deemed necessary to conduct the hearing by the Vice Chancellor. The Hearing Officer reviews all incident reports and character statements, and provides the student with an opportunity to respond. If it is determined by a preponderance of the evidence that a Level III violation did not occur, the violation may be reduced to a Level II or a Level I, or the charges may be dismissed. The student, parents or guardians and Student Support Team are notified. If it is determined by a preponderance of the evidence that a Level III Violation did occur, the administrator will issue appropriate sanctions. If the student accepts the sanctions, the process ends here.

All disciplinary hearings or appeals for Level III violations are closed meetings. If witness testimony or documents are presented, both parties have the right to be present during the presentation. Attorneys for the student or the School are not allowed to attend except as provided below.

#### **Sanctions:**

Responses to a Level III violation may include, but are not limited to, long-term restrictions of movement within the campus, short-term suspension from campus, additional work or community service, loss of leadership position, loss of privileges for off-campus or overnight travel, banning of participation in interscholastic athletics or representing the School in any official manner, extended length of probation leading to dismissal if the terms are violated, and dismissal, even on a first offense. School-imposed sanctions do not preclude criminal referral for the same violation.

### **Step 2: Request for Appeal**

If the student does not accept the sanctions, he/she can request an appeal of the decision. This request for appeal must be made in writing to the Hearing Officer within two academic days of receiving the decision and state clearly any information pertinent to the appeal. The basis for appeal must be for one or more of the following: 1) applicable hearing procedures were not followed; 2) the evidence introduced did not support the finding; 3) the violation(s) did not justify the sanctions.

#### **Appeal Process:**

If the student files a timely request for appeal, the Vice Chancellor for Academic Programs and Vice Chancellor for Student Life jointly determine whether the facts merit an appeal hearing by the Hearing Panel so that the submission of a request for appeal shall not result automatically in an appeal hearing. If the vice chancellors jointly determine that the student has presented an apparently substantial issue(s) within the permitted bases of appeal, a Hearing Panel will be convened to review that identified issue(s) no earlier than three, but no later than five, academic days following the

request for appeal. The date may be extended either by the School or upon request of the student, parents or guardians, if extenuating circumstances are demonstrated.

The purpose of the Hearing Panel is to determine whether the student has shown by a preponderance of the evidence that the decision below was materially flawed because (1) applicable hearing procedures were not followed; (2) the evidence introduced did not support the finding; or (3) the sanctions were outside the Hearing Officer's reasonable discretion. The purpose of the Hearing Panel is not to second-guess the professional judgment of the Hearing Officer or colleagues responsible for making administrative decisions.

The Hearing Board is composed of the following persons: 4 Faculty, 4 Student Life Instructors, 4 Senior Students, 2 Vice Chancellors (Student Life and Academic Programs).

The Faculty Senate appoints the faculty members who serve staggered two-year terms. The Assistant Director of Residential Life appoints the Student Life Instructors who serve staggered two-year terms. The Director of Academic Programs, through an established process, selects the senior students in the spring of their junior year. The Assistant Director of Residential Life and the Director of Academic Programs are responsible for training the members of the Hearing Board.

Each Hearing Panel consists of four members: one faculty member, one Student Life Instructor, one student and one Vice Chancellor, except when either the charged student or the school requests that no student member participate due to the sensitive nature of the charge(s) or information to be presented, in which case a second faculty or Student Life Instructor member will serve. The Hearing Panel Chair is selected from the members of the Hearing Panel. The Vice Chancellor acts as a non-voting but active participant throughout the entire proceeding and is present to make sure proper hearing procedures are followed, to provide information to the Hearing Panel related to precedents, and to make sure the decisions and responses of the Hearing Panel can be supported by the School. The Hearing Panel will make recommendations to the Vice Chancellor in attendance on whether to uphold or overturn the decision below. The Vice Chancellor may accept, reject or modify the Hearing Panel's recommendations.

If the Hearing Panel recommends upholding a dismissal, the Vice Chancellor in attendance will review the recommendation with the other Vice Chancellor before a final decision is made. The Vice Chancellor in attendance will meet with the student and the parents or guardians, if possible, to render the final decision.

All Level III hearings are held in closed session. The hearing is limited to the substantial issue(s) for appeal identified prior to the appeal hearing. First, the student will briefly present the facts and why the decision below should be overturned. Then, the School will present the facts and why the decision below should be upheld. Finally, the Hearing Panel will ask questions. The Hearing Panel may, in its sole discretion, accept relevant, non-duplicative new evidence. The student has the

opportunity to be confronted with any new evidence against him/her and has the opportunity to rebut any new evidence through the presentation of witnesses or documentary evidence.

After all information is presented, the Hearing Panel will deliberate in private and recommend whether to uphold or overturn the decision below if it was materially flawed. The Vice Chancellor in attendance will make a decision whether to accept, reject, or modify the recommended finding and notify the student, parents/guardians and support person of the decision within two academic days unless extenuating circumstances are demonstrated. An official written notification of the findings and the sanctions will be forwarded to the student, parents/ guardians, and members of the Student Support team, Registrar and any other appropriate staff.

### **Step 3: Request for Chancellor Review**

If the student feels the decision and/or sanctions are not warranted, the student may request a review by the Chancellor. The request for review must be submitted to the Chancellor in writing within three academic days of receiving the decision. The request for a review must be based on one or more of the following criteria: 1) applicable hearing procedures were not followed; 2) the evidence introduced did not support the finding; and 3) the violation(s) did not justify the sanctions.

The Chancellor reviews the evidence and renders a decision within five academic days of receipt of the request for review. If extenuating circumstances are demonstrated, the final administrative decision may be issued within 45 days. The Chancellor may uphold, modify or dismiss the findings and/or sanctions. The Chancellor may, in his or her discretion, meet with the student prior to rendering the decision. A written copy of the response is provided to the student, parents/guardians, Registrar and members of the Student Support Team and any appropriate staff. The decision of the Chancellor is final.

## **EMERGENCY SUSPENSION**

If the Vice Chancellor for Academic Programs or Student Life witnesses or is made aware of any serious violation(s) including, but not limited to, possession, trafficking and/or use of drugs or alcohol; possession or use of a weapon; or behavior which threatens the safety of a student, staff member or property, the Vice Chancellor may immediately suspend the student. If the misconduct involves alcohol use or possession, the Vice Chancellor will decide, depending on the circumstances, if an emergency suspension is warranted.

The Vice Chancellor for Academic Programs, or Student Life, or his or her designee, will meet with the student to explain the circumstances and to hear the student's reasons, if any, why the suspension is not warranted. The Vice Chancellor may defer the suspension. If she/he determines the suspension is warranted, the parents or guardians will be notified and arrangements will be made as quickly as possible to remove the student from campus for up to three academic days. At the end of each three-day period, the Vice Chancellor will review the case to see if continued suspension is

warranted. The emergency suspension will also be reviewed after the Administrative Hearing and any subsequent appeal hearing.

During the period of the suspension, the student will have the right to communicate with his/her teachers in order to make up academic work including trimester or final examinations. However, students on emergency suspension cannot return to campus except for their hearing, cannot attend NCSSM-sanctioned events on or off campus, and lose all NCSSM privileges.

## **SPECIAL CASES**

- A. If the violation charged is also the subject of pending criminal charges, the student may invite an attorney advisor to accompany the student to a hearing. The attorney may not participate in the hearing; however the attorney may confer with the student during the hearing so long as the attorney does not address the Hearing Officer or committee, other parties or witnesses and does not delay or disrupt the proceeding.
- B. Charges against multiple students involved in the same incident may be heard in a single case only if each charged student consents to such a proceeding.
- C. When a student with a disability is charged with a violation, the School will assure all applicable requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.
- D. The School will report all suspensions and dismissals to the Suspensions and Expulsions Database maintained by the University of North Carolina.
- E. The disciplinary status of any student leaving the School under pending or for valid charges regarding behavior which indicates that the student's continued presence on the campus constitutes a clear threat to the safety of other students or employees shall be reported by the Registrar to the receiving school.
- F. Upon written request of a student charged with a Level II or Level III violation, any hearing official or panel member who has a conflict with, bias about, or an interest in a case must recuse himself/herself. The request should specify in detail the grounds for the challenge. If the official or panel member refuses to recuse himself/herself, the Vice Chancellors for Academic Programs and Student Life will jointly make the recusal decision. Alternatively, if the Vice Chancellor for Academic Programs or Student Life refuses to recuse himself/herself, the Chancellor will make the recusal decision. The recusal decision shall be made within five calendar days and, if necessary, a substitute appointed. Scheduled hearings may be delayed for a reasonable period of time to accommodate a student's request for recusal of a hearing officer or panel member.

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