I. Policy

Based on a concern for the welfare of the total University residence community, as well as the individual, the following policy outlines procedures and reasons for responding to violations.

A. Options for resolution of discipline violations

1. Violations of rules and regulations occurring in or on the premises of University residence halls may be referred to a Residence Hall Director, Resident Life Coordinator, or Housing Hearing Officer for appropriate action. The case may be resolved by these individuals or referred to the Office of Student Judicial Programs for resolution.

2. In buildings that have a Residence Hall Director/Residence Life Coordinator, violations are usually responded to first by the Residence Hall Director/Residence Life Coordinator who meets with students in educational conferences. Some cases may be resolved by the Residence Hall Director/Residence Life Coordinator. The Residence Hall Director/Residence Life Coordinator may also refer cases to a Housing Hearing Officer or for a Residence Hall Conduct Hearing.

3. When evidence exists that indicates a resident may be responsible for one or more violation(s), charge(s) may be filed. After the resident responds to each charge by indicating he or she is "responsible" or "not responsible," he or she may indicate a preference for having the charge(s) resolved through:

   a. Mediation: This option is reserved for situations where all of the immediate parties in the incident agree to have a conflict resolved in this fashion, and the option is considered appropriate by the housing staff.
member referring the case. Failure to fulfill the terms of a mediation agreement could lead to reactivation of the charges as well as additional disciplinary action.

b. **Informal Administrative Hearing:** Cases may be resolved in an Informal Administrative Hearing when the student(s) accepts responsibility for the charges.

c. **Formal Administrative Hearing with Hearing Officer:** Cases may be resolved in a Formal Administrative Hearing setting with a Housing Hearing Officer.

d. **Residence Hall Conduct Hearing:** The Carolina Student Judicial Council is the judicial arm of the Residence Hall Association and is composed of students who have been selected and trained specifically to operate as hearing authorities for discipline cases. A hearing board consists of no more than five and no less than three Carolina Student Judicial Council members.

4. The Housing Hearing Officer may assign the case to a Residence Hall Conduct Hearing or to a Formal Administrative Hearing to expedite resolution of a particular case. The following restrictions apply to choosing a preference for case resolution:

   a. If a student indicates he/she is "not responsible", he/she may not choose an informal administrative hearing with the Hearing Officer;

   b. If more than one person is charged in connection with the same incident, they may be required to choose the same option for resolution, unless exceptional conditions are present;

   c. If the Housing Hearing Officer filing charges believes one of the sanctions may be termination of the housing contract, the case must be resolved through a hearing conducted by the Carolina Student Judicial Council, a Housing Hearing Officer from another area, or the Office of Student Judicial Programs.

   d. In the spring semester, a student cannot choose resolution by the Carolina Student Judicial Council for incidents that occur from a date two weeks prior to reading day through the end of the spring semester.

5. Specific procedures for Residence Hall Conduct Hearings and Formal Administrative Hearings will be provided to the charged student prior to the hearing.
II. Procedure

A. Sanction decisions will be made after a documentation of the violation(s) is presented by a staff member, reviewed by the resident, and determination of responsibility is made. Responsibility for violating Housing policies will be determined by a preponderance of evidence. Once a determination of responsibility has been established by the Hearing Officer (or designee), information concerning the resident student's previous violations and cumulative documentation by the hall staff as well as the impact of a particular student on the residential environment will be reviewed and taken into consideration before a sanctioning decision is made. Sanctioning decisions are made with the goal of achieving the following five objectives:

1. Ensuring the student learns as much as possible;
2. Preventing future violations;
3. Demonstrating the University's position regarding the behavior;
4. Providing an opportunity for the student to make restitution;
5. Where appropriate, providing an opportunity for other students to learn from the incident.

B. Sanctions for the violation of any contractual agreement, residence hall regulation, and/or University conduct policy may include the following:

1. Written Warning - An official written reprimand making the misconduct a matter of record in University files for a specified period of time. Any further misconduct could result in more severe disciplinary action.

2. Conditions/Restrictions - Limitations upon a student's behavior for a period of time, or an obligation to complete a specified activity. This sanction may include, but is not limited to, restriction of visitation privileges, denial of the right to hold an office with a departmental organization, required attendance at a workshop, or participation in public service.

3. Fines and Restitution - A student may be ordered to make restitution or to pay a fine when the student has engaged in conduct including but not limited to: the damage or destruction of property, or the theft or misappropriation of property, or fraudulent behavior, or violations of the alcohol and/or drug policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of financial payment, community service, or special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.
4. Housing Probation - Notification that further misconduct, failure to complete assigned sanctions, or failure to comply with official requests may result in permanent removal from University Housing without entitlement to a refund for the remainder of the period originally contracted.

5. Relocation - Transfer of the resident's housing contract to another room on campus. The room may be designated. The resident will be given a reasonable time to relocate. When a resident has been relocated, he/she is not permitted to return to the original residence hall for any reason including visiting, unless special permission has been obtained from the Office of Housing and Judicial Programs or the Office of Student Judicial Programs.

6. Removal from University Housing - Termination of the resident's housing contract requires the resident to vacate his or her room, usually for a specified period of time. Removal from University housing is justified if it is judged that a resident's continued presence in University housing would prove detrimental to either the residential community or the resident. The resident will be given a reasonable time, usually no less than two (2) calendar days, to vacate University housing after the decision to terminate his/her housing contract. Students removed from University housing are not permitted to return to any University residence hall without special permission from the Office of Housing and Judicial Programs or the Office of Student Judicial Programs. A student removed from University housing is not entitled to a refund for the remainder of the semester in which they are removed.

C. Appeal Process for Formal/Informal Administrative Hearings by Housing Hearing Officers.

All appeals of decisions by Housing Hearing Officers in Informal Administrative Hearings or Formal Administrative Hearings will be automatically referred to the Office of Student Judicial Programs for resolution through a Residence Hall Conduct Hearing or a University Conduct Hearing.

D. Appeal Process for Residence Hall Conduct Hearings

1. Decisions of the Carolina Student Judicial Council in a Residence Hall Conduct Hearing may be appealed by a resident student found responsible for a violation to the Director for Residence Life. The reasons for an appeal are limited to the following:
a. The original Hearing Officer/Council committed a procedural error in
hearing the case which significantly prejudiced the findings of the Hearing
Council; and/or

b. New evidence, which could not have been available at the time of the
hearing, and which is material to the outcome of the case, is available.

2. An appeal to the Director of Residence Life must be made in writing within five
(5) University business days of receipt of the original written decision to the
Office of Student Judicial Programs who will submit it to the Office of the
Director of Residence Life. A decision is assumed to be received three (3)
University business days from the date of the mailing. On appeal the Associate
Director of Residence Life or designee shall review the appeal.

3. If an appeal is in process, sanctions of relocation or removal may be implemented
until after the appeal decision is made.

III. Reason for Revision

Policy organization, content, and accuracy reviewed in December 2009; no substantive revisions
required.