

Appalachian State University
Organizational Code of Conduct
Revised August 2025

The University reserves the right to change policies and procedures at any time. Students (who are part of student organizations) are responsible for maintaining current knowledge of disciplinary rules and regulations. The most current *Organizational Code of Conduct* can be accessed at studentconduct.appstate.edu.

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Purpose and Goals

Appalachian State University is an academic community dedicated to teaching, scholarship, research, service, 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.

It is through our Recognized Student Organizations (RSO's)/University Affiliated Organizations (UAO's) that opportunities for growth and development are fostered outside the classroom. RSO's/UAO's are an integral part of Appalachian's educational experience. When RSO's/UAO's 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 may be higher than those expected of other citizens.

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

- to facilitate an understanding of the University's community standards;
- to help the RSO/UAO determine the level of responsibility for their behavior;
- to help the RSO/UAO determine the reasons for their misconduct;
- to help bring the RSO's/UAO's behavior into compliance with the community standards;
- to aid the RSO/UAO in clarifying their values and how the values relate to the behavior in question;
- to help the RSO/UAO in making future choices that will enable them to be successful;
- to help the RSO/UAO consider in advance the consequences of their behavior; and
- to protect the safety and welfare of the University community.

Review and Revision

The *Organizational Code of Conduct* shall be reviewed and revised annually in consultation with appropriate campus entities (such as Campus Activities, UREC, Fraternity and Sorority Life, Athletics, Marching Band etc.).

The Office of Student Conduct and Academic Integrity reserves the right to review and amend the *Organizational Code of Conduct* at any time.

Article I – Scope

The *Organizational Code of Conduct* applies to the conduct of Recognized Student Organizations (RSO's)/University Affiliated Organizations (UAO's). The Office of Student Conduct and Academic Integrity handles all alleged violations of the *Organizational Code of Conduct*. When the allegations involve discrimination or harassment based on protected status, retaliation, workplace bullying, or sexual misconduct, they may be referred to the Appalachian State University Office of Access & Opportunity, Equal Opportunity.

The University has oversight of all conduct which occurs on University premises and reserves the right to consider 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 the *Organizational Code of Conduct* in the same manner as on-campus behavior.

Information regarding alleged violations should be reported 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. The longer someone waits to report an alleged violation, the more difficult it may become for University officials to obtain information and witness statements and to make determinations regarding alleged violations. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the reported information. In any event, reports must be made within one hundred eighty (180) calendar days following the date on which an alleged violation occurred. In extenuating circumstances, the timeline for reporting information may be extended.

The *Organizational Code of Conduct* may be applied to behavior conducted online, via email or other electronic mediums. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. The *Organizational Code of Conduct* applies to guests of the RSO/UAO and the RSO/UAO may be held accountable for the misconduct of their guests.

RSO's/UAO's that have lost University recognition/affiliation may still be subject to provisions in the *Organizational Code of Conduct*. Individual students who are members of an RSO/UAO are still subject as individuals to the *Code of Student Conduct* and may be held individually accountable for behaviors also attributed to the RSO/UAO. Members of an RSO/UAO may, through their actions, cause their organization to face disciplinary action, regardless of whether they are individually charged under the *Code of Student Conduct*.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and Academic Integrity.

An RSO/UAO facing an alleged violation of the *Organizational Code of Conduct* is permitted to dissolve/surrender recognition/affiliation during the adjudication process. However, the University may continue the adjudication process even after the RSO/UAO has been dissolved.

RSO/UAO representatives are responsible for all communication delivered to their University email address. In addition, the University reserves the right to notify and/or communicate with the RSO/UAO Advisor and/or any inter/national organizational governing body associated with the RSO/UAO about any relevant allegations, investigations, and outcomes, provided such communications follow FERPA.

The University reserves the right to withhold the identity of certain witnesses (providing witness anonymity) from the RSO/UAO to protect these individuals from retaliation. In such cases, information about the status, role, etc. of the witness will be shared with the RSO/UAO to the extent that doing so will not identify them. If the case is referred to a Formal Resolution for adjudication, the identity of these witnesses will also not be shared with the Administrative Hearing Officer/University Conduct Board members.

Article II – Records Maintenance/Access and Privacy

Cases in which there was a status outcome will be maintained indefinitely.

Cases without a status outcome will be maintained for eight years from the reported incident date.

Any portions of records related to a Student Organization that do not contain identifiable Student information are generally not protected from disclosure.

Article III – Definitions

- 3.01 **Administrative Hearing Officer** – A trained full-time University staff member, or a trained third party, appointed by the Director or designee, who may address a charge(s) in a Formal Resolution or Petition Hearing.
- 3.02 **Advisor** – An individual attorney or non-attorney who may represent the organization, or, a Complainant, at any point in the disciplinary proceedings. The Advisor may fully participate only to the extent and in the same manner afforded to the organization or Complainant(s) they represent, provided 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. An Advisor may not serve in any other role throughout the student conduct process, including, but not limited to, as a support individual or Witness.

- 3.03 **Appeal Board or Appeal Administrator** – The University Board or Official with the authority to review and make decisions on appeals. The Appeal Board, composed of three members from a pool of trained students, faculty and full-time staff, as long as full-time staff maintain majority of a board, may review appeals of Formal Resolutions. Appeals of final dispositions of conduct proceedings must be heard and determined by separate campus administrator(s) or a neutral external adjudicator engaged by the campus, none of whom participated in the initial hearing and disposition being appealed. In Cases of Interim Action, the Appeal Administrator shall be the Director or their designee. In cases involving Expulsion, the Appeal Administrator shall be the Executive Vice Chancellor and Provost.
- 3.04 **Board Advisor** – An individual designated by the Director to advise the Administrative Hearing Officer and/or members of a Board during a hearing or appeal process to ensure that policies and procedures are appropriately followed and that the process is prompt, fair, and impartial. The Board Advisor in any case shall not be the same individual who makes any determination on responsibility, recommendation on outcome(s), or determination on outcome(s) in that case.
- 3.05 **Chancellor** – The Chancellor of Appalachian State University. The Chancellor may delegate the authority to perform any of the duties assigned to that official in the *Organizational Code of Conduct*. All references to the Chancellor include any such designee.
- 3.06 **Charge** – When the Director or designee initiates conduct procedures to address an alleged violation(s) of the *Organizational Code of Conduct* by a Student or Student Organization.
- 3.07 **Clery Safety Act** – The Jeanne Clery Campus Safety Act and its implementing regulations, as amended.
- 3.08 **Crime of Violence** – Any act(s) as defined by FERPA, and/or the Clery Safety Act.
- 3.09 **Day** – A business day (Monday through Friday) during which the University is fully open for business. For purposes of the *Organizational Code of Conduct*, “Day” does not include federal, state, and campus holidays and observances; or days on which the University’s operations are officially reduced.
- 3.10 **Dean of Students** – The Dean of Students of Appalachian State University. The Dean of Students may delegate the authority to perform any of the duties assigned to that official in the *Organizational Code of Conduct*. All references to the Dean of Students include any such designee.
- 3.11 **Director** – The Assistant Dean of Students and Director of Student Conduct at Appalachian State University. The Director may delegate the authority to perform any of

the duties assigned to that official in the *Organizational Code of Conduct*. All references to the Director include any such designee. The Director is subject to the authority of the Vice Provost for Student Affairs and the Chancellor. The Director shall administer the provisions of the *Organizational Code of Conduct*, oversee the day-to-day operations of the Office of Student Conduct and Academic Integrity, and advise the Vice Provost for Student Affairs on changes in the *Organizational Code of Conduct*.

- 3.12 **Disciplinary Action** – The imposition of an outcome authorized by the *Organizational Code of Conduct*.
- 3.13 **Disciplinary Record** – A case with a finding of Responsible maintained by the University. The University follows a Records Maintenance schedule for non-organizational cases and adheres to the Records Maintenance information outlined in the *Organizational Code of Conduct* for organizational cases.
- 3.14 **FERPA** – The Family Educational Rights and Privacy Act of 1974 and its implementing regulations, as amended.
- 3.15 **Formal Resolution** – Requires the use of a Board, or an Administrative Hearing. Additional information about Administrative Hearings and Board composition can be found in the Procedures section of the *Organizational Code of Conduct*.
- 3.16 **Good Disciplinary Standing** – An organization's status when there are no pending reports or active Outcomes with the Office of Student Conduct and Academic Integrity.
- 3.17 **Impact Statement** – An oral or written statement describing how an incident affected the individual or group's life, the desired outcomes the individual or group would like to see, and the overall effect on the individual or group.
- 3.18 **Inter/National Organizational Governing Body** – Any known or designated association or body affiliated with any RSO/UAO. Examples may include national headquarters of Greek-letter organizations, national governing bodies of sports organizations, national honor societies, etc.
- 3.19 **May** – Used in the permissive sense.
- 3.20 **Member of the University Community** – Any individual who is a student, faculty member, staff member, or other individual employed by or volunteering for the University.
- 3.21 **Mutual Resolution** – May occur during a pre-resolution meeting, where the Director and the RSO/UAO Representative discuss allegations and relevant information and the Director will, in their professional judgment on the basis of the provided information or in consultation with appropriate University officials (e.g., Title IX Coordinator; University Housing; the Dean of Students), propose outcome(s) described in the *Organizational*

Code of Conduct. If the organization accepts the Mutual Resolution, they waive their right to a Formal Resolution and, if applicable, accept responsibility for the violation(s) and the outcome(s) proposed.

- 3.22 **Organization Category Expert (OCE)** – A staff member or designated representative with advanced knowledge of a specific RSO/UAO category who may be invited to advise and clarify category-specific issues during a Formal Resolution process.
- 3.23 **Outcome** (synonymous with the term “sanction” in The University of North Carolina Board of Governors Policy 700.4.1) – Imposed if an organization is found responsible for a violation of the *Organizational Code of Conduct*. Outcomes are intended to educate organizations on the effects of their behavior and encourage change in future decision making.
- 3.24 **Partnered Resolutions** – Provide a process for addressing low-level, straightforward violations. The Director may either send proposed outcomes directly to the organization’s RSO/UAO Representative or offer the organization the opportunity to conduct its own internal investigation and propose corrective outcomes; if the University accepts the investigation and proposed outcomes, the case is finalized through the Partnered Resolution process, and if not, the matter proceeds to a Pre-Resolution Meeting.
- 3.25 **Possession or Possessing** – Physically holding or controlling the subject item or owning or controlling a room, vehicle, or other area where the subject item is present. The presence of the subject item in a room, vehicle, or other area creates a presumption that the person owning or controlling the room, vehicle, or other area possessed the subject item.
- 3.26 **Provost** – The Executive Vice Chancellor and Provost of Appalachian State University. The Provost may delegate the authority to perform any of the duties assigned to that official in the *Organizational Code of Conduct*. All references to the Provost include any such designee.
- 3.27 **Psychoactive Agent** – A substance which may cause alterations in perception, mood, consciousness, cognition, or behavior.
- 3.28 **Reasonable Individual** – A reasonable individual under similar circumstances and with similar identities to the individual who is the subject of the behavior in question.
- 3.29 **Recognized Student Organization (RSO)/University Affiliated Organization (UAO)** – Any group that has been recognized by the University as a student organization or has applied for such recognition or is affiliated with the University. This would include, but is not limited to, unchartered provisional chapters/interest groups.

- 3.30 **Responsible** – When based on the preponderance of the evidence, an organization is found to have committed a violation of the *Organizational Code of Conduct* or has accepted responsibility within a Partnered, Mutual or Formal Resolution.
- 3.31 **RSO/UAO Advisor** – Any individual designated by the RSO/UAO as their advisor. If there is no RSO/UAO Advisor designated by the RSO/UAO, the institution may choose a designee.
- 3.32 **RSO/UAO Representative** – The student on file with the University as the elected/appointed leader of the RSO/UAO (i.e., president or team captain). However, the RSO/UAO may choose an alternate student member to serve as the official representative of the RSO/UAO at any time. If the individual designated is no longer eligible to serve in that role (e.g., the student withdraws from the University or is no longer a member of the RSO/UAO) or if the RSO/UAO dissolves prior to or during the investigation/adjudication process, the University may designate a RSO/UAO representative of their choosing.
- 3.33 **Shall or Will** – Is used in the imperative sense.
- 3.34 **Student** – Any individual who, at the time of the incident, has accepted an offer of admission to the University; is currently enrolled in coursework or has registered for coursework at the University; has a continuing relationship with the University; or is an auditing Student.
- 3.35 **Student Organization** – An organization (such as, but not limited to, clubs, societies, associations, athletic teams, club sports teams, ROTC, fraternities, sororities, marching band, or student government) in which two or more of the members are students enrolled at the University, whether or not the organization is established or recognized by the University.
- 3.36 **Support Individual** – May be present in a non-speaking role to provide emotional support to the student/organization during any proceedings. The support individual may not participate in the proceedings, address any participants, or, in the sole discretion of the individual facilitating the meeting, delay, disrupt, or otherwise interfere with the proceeding. A support individual may not serve in any other role throughout the student conduct process, such as Advisor or Witness.
- 3.37 **Threat** – An expression of intent to cause physical or mental harm.
- 3.38 **University is Appalachian State University** – A constituent institution of The University of North Carolina, with campus locations in Boone, North Carolina and Hickory, North Carolina. This includes any officially designated location.

- 3.39 **University Conduct Board** – Composed of individuals selected by the Director from a pool consisting of campus administrators, faculty, and students, so long as campus administrators constitute a majority of the committee.
- 3.40 **University Official** – A University employee 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.
- 3.41 **University Premises** – Includes property owned, leased, or controlled by the University, which includes On-Campus Property, Non-Campus Buildings or Property, and public property within or immediately adjacent to the University's campuses.
- 3.42 **University Representative** – Refers to the University employee who presents at a hearing a summary of any relevant information gathered to the Administrative Hearing Officer or University Conduct Board.
- 3.43 **University-Sponsored Activity** – Any activity on-or off-campus which is initiated, funded, authorized, or supervised by the University.
- 3.44 **Vice Provost for Student Affairs** – The Vice Provost for Student Affairs of Appalachian State University. The Vice Provost for Student Affairs may delegate the authority to perform any of the duties assigned to that official in the *Organizational Code of Conduct*. All references to the Vice Provost for Student Affairs include any such designee.
- 3.45 **Weapon(s)** – Include, but are not limited to, all firearms; explosive agents; fireworks; chemicals such as mace and tear gas (if used in an illegal manner); air or canister propelled guns such as BB guns, pellet guns, and paintball guns; tasers or stun guns; metallic knuckles; switchblade knives; martial arts weapons; any object or substance used, attempted to be used, or intended to inflict a wound, cause injury, or incapacitate; or any other “weapon” as defined by N.C.G.S. §14-269.2.1.47.
- 3.46 **Witness** – An individual who has direct experience with, or knowledge of, events, issues, or circumstances related to the incident. A University Official, Complainant, or RSO/UAO Representative may identify witnesses. A Witness may not serve in any other role throughout the student conduct process, including, but not limited to, as support individual or Advisor.

Terms not specifically defined in the *Organizational Code of Conduct* 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 IV – Organizational Criteria

The following criteria will be utilized when determining whether conduct might reasonably be associated with an RSO/UAO, and therefore considered a University-Sponsored Activity (whether on or off-campus, or online):

- Any event that the RSO/UAO registers with the University or otherwise notifies the University that it is sponsoring/hosting;
- Any event that meets the criteria of an event that should be registered with the University or that the RSO/UAO should have otherwise notified the University of;
- Any event that the University determines may qualify as a sponsored event based on, but not limited to, the following factors: the nature of the event, the number of RSO/UAO members in attendance, advertising, promotion or publication conducted by members/on controlled mediums of the RSO/UAO, details surrounding how the event was financed, or being reasonably associated with the organization through the action(s)/behavior(s) of its members, etc.

Article V – Student Organization Amnesty Policy

Amnesty strives to promote a culture in which members of an RSO/UAO actively seek help for themselves or others if/when needed and/or self-report any violations committed by members of the RSO/UAO. It is most often applied to situations in which substances were used and impacted someone's health, safety, and/or wellbeing, but can also be applied to situations in which someone experienced relationship violence, sexual misconduct, sex/gender-based harassment/discrimination, or was the victim of a crime while under the influence of any substance(s).

Appalachian State University uses amnesty to offer a level of protection from status outcomes for some behavior(s) that violate the *Organizational Code of Conduct*. The process instead focuses on the development and completion of an educational action plan to address the underlying behavior(s). The action plan is developed from a harm reduction model, focused on understanding what happened, why it happened and preventing recurrence. The action plan offers pathways for reflection, connection to campus/community resources and an opportunity to demonstrate learning/growth. Amnesty can be offered for any relevant situation(s) and is not limited to a one-time use/application. Prior behavior(s) of a similar nature in the past calendar year may be taken into consideration in determining whether amnesty will be granted to an RSO/UAO.

Amnesty offers RSO's/UAO's an opportunity to engage in an educational process that will best meet the organization's and its members' needs in partnership with the University and its own self-governing processes.

An RSO/UAO may request amnesty for incidents involving alcohol, drugs, and for some hazing behaviors, including but not limited to:

- Possession, consumption, or distribution of alcohol at an RSO/UAO event, where medical attention is needed. The medical attention may be related or unrelated to alcohol use.
- Possession or consumption of drugs at an organization event, where medical attention is needed. The medical attention may be related or unrelated to drug use.
- Facilitation of hazing behaviors by the organization or its members.

RSO's/UAO's may be eligible for amnesty when swift action has been taken by the organization to stop the appropriate behavior(s), to provide an immediate/timely remedy, and to propose or put measures in place to prevent such behaviors from occurring again.

For amnesty to be considered/applied, the RSO/UAO (and/or individual representing the organization) must:

- Request the review and consideration of Amnesty for the reported allegation(s);
- Complete a meeting with appropriate staff to provide a full account of the alleged incident(s) (be prepared to discuss what was done to stop/remedy/prevent recurrence);
- Draft an educational action plan (focused on things that address any underlying alleged behavior(s));
- Engage in continued meetings with appropriate staff to discuss the educational action plan and ensure its implementation/completion;
- Complete the educational action plan.

Amnesty granted does not prevent independent action from law enforcement agencies, including the Appalachian Police Department. It does not prevent an individual who has enforcement obligations under federal, state, or local law to report an alleged violation, file a charge, or take other action related to the possible criminal prosecution of any student.

RSO/UAO members who self-report or participate in an investigation may not be charged with other minor University policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation (i.e. students forced to consume alcohol as part of a hazing incident will not be charged with violations of the University's alcohol policy) as long as those behaviors do not represent a threat to the health, safety or well-being of others. The University reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

Article VI – Interim Action

In cases where it is determined that certain continued operations of a RSO/UAO constitute a reasonable threat of harm to individuals or the University community, damage of University premises, or disruption to the educational mission of the University, the Director may issue interim action(s), up to and including an interim suspension of all RSO/UAO activities/operations, pending final resolution of the matter. Upon issuance of any interim action(s), the Director will notify the RSO/UAO representative and other appropriate parties in writing.

If an RSO/UAO wishes to seek a review of any interim action(s), the RSO/UAO representative must submit a written request for an administrative review to the Director. This administrative review should happen within five (5) business days of the University receipt of the request. This administrative review is not a hearing on the merits of the underlying allegations, but is merely a review to determine what, if any, interim action(s) are appropriate. The review may lead to a continuance, removal, and/or modification of the interim action(s), including modifications that may be more restrictive than the initial action(s). The University will notify the RSO/UAO representative of the outcome of the review in writing within three (3) business days of the review meeting. This notification will include the University decision and the rationale for that decision.

If the University investigation lasts beyond 60 days, the RSO/UAO may request another review of the interim action(s), which will be handled similarly to the initial request for review as outlined above.

Article VII – Prohibited Conduct

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 *Organizational Code of Conduct*. Unless specifically noted in the policy definition, intent is not a required element to establish a policy violation. Additionally, attempting to engage in behavior(s) that may be a violation may also be pursued as an alleged violation. Prohibited conduct includes the following:

- 7.01 **Abuse of Process** – Directly or indirectly abusing or interfering with the University investigation/adjudication process by engaging in one or more of the following: falsifying, distorting, or misrepresenting information or colluding to do the same in the investigation/adjudication process; destroying or concealing information; attempting to discourage an individual's proper participation in the investigation/adjudication process; harassing or intimidating (verbally or physically) any person involved in the University processes before, during, and/or following proceedings (including up to, throughout, and after any outcome(s)); unauthorized disclosure of a reporting party's identifying information; distributing or otherwise publicizing materials created or produced during an investigation except as required by law or as expressly permitted by the University; or influencing or attempting to influence another person to commit abuse of process.
- 7.02 **Accessory** – Assisting in the commission of or knowingly being in the presence of prohibited conduct.
- 7.03 **Acts of Harm**
 - a. *Physical Violence* – Engaging in any behavior against another person that inflicts, attempts to inflict, or assists in (1) inflicting bodily harm to a person (2) inappropriate or unwanted physical contact with another person, such as pushing, slapping, or spitting.

- b. *Threats* – Threatening another individual or group, whether communicated to one (1) 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. *Endangerment* – Acting in a manner that could or did place the health or safety of another at serious risk or create a substantial risk of physical harm to a person or the Appalachian State University community.
- d. *Acts Against University Official or Emergency Personnel* – Placing a University Official or Emergency Personnel (e.g., Police Officers, Firefighters, EMT, etc.) in fear or at risk of physical harm or danger or engaging in physical violence against a University Official or Emergency Personnel.
- e. *Threats Towards a University-Sponsored Activity* – Issuing threats of violence which disrupt a University-sponsored activity and/or operations.
- f. *Bullying/Cyberbullying* - Engaging in repeated or aggressive online or other behaviors, as an individual or group of individuals that intimidate, intentionally harm, control, or seek to control another individual physically, mentally, or emotionally such that it alters the conditions of education, employment, or participation in a university program or activity. An isolated incident, unless sufficiently severe, does not constitute a violation.

7.04 **Aiding in Academic Misconduct** – The RSO/UAO aids, abets, organizes, approves or otherwise participates in behavior(s) that would constitute a violation of the *Academic Integrity Code*. A violation must demonstrate systemic participation and or knowledge of misconduct beyond 1-2 RSO/UAO members participating in the violation.

7.04 **Alcohol**

- a. *Underage Possession/Use* – Possessing or using alcohol while under the age of twenty-one (21).
- b. *Providing to Minors* – Providing alcohol to any individual under the age of twenty-one (21).
- c. *Public Intoxication* – Being intoxicated in public attributable in part or in whole to the use of alcohol.
- d. *Violation of Alcohol Policies* – Violating Policy 106 – Drugs Alcohol including, but not limited to, (c) having common source containers within any University housing, any University outdoor area, or event sponsored by a Student Organization; or (d) possessing an open container on University Premises, unless specifically permitted under Policy 106 – Drugs and Alcohol. (e) violating the Housing Alcohol Policy (f) possessing or using any item(s) that facilitates the excessive or rapid consumption of alcohol such as drinking games or drinking related devices.

7.05 **Disorderly Conduct**

- a. *Disruption of University Functions or University-Sponsored Activities* – Materially and substantially disrupting the functioning of the University. See UNC System Policy 1300.8 and Facility Use Policy- Section 4.1.10.

- b. *Disruption of Student Environment* – Engaging in behavior that is likely to disrupt, obstruct, or interfere with a student’s living or learning environment.
- c. *Obscene Conduct* – Lewd, indecent, or obscene conduct. Examples include, but are not limited to, urinating and/or nudity in inappropriate locations.
- d. *Rioting/Raiding* – Rioting, inciting to riot, assembling to riot, raiding, inciting to raid, or assembling to raid University operating units or 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 an individual at risk of physical, mental, or emotional harm.

7.06 **Drugs**

- a. *Manufacturing/Selling/Distributing* – Manufacturing (including growing marijuana), selling, distributing, or possessing with the intent to manufacture, sell, or distribute any substance identified as a controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act).
- b. *Possession/Use* – Possessing or using any unauthorized substance identified as a controlled substance by North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act).
- c. *Misuse* – Misusing over-the-counter drugs, medically prescribed drugs, psychoactive agents, or huffing/sniffing any substance not intended for such use.
- d. *Paraphernalia* – Possessing drug paraphernalia, including, but not limited to, pipes, scales, bongs, blow tubes, and roach holders.
- e. *Public Intoxication* – Being intoxicated in public attributable in part or in whole to the use of drugs.

7.07 **False Information**

- a. *Bomb Threat* – Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the University or a University-sponsored activity.
- b. *Misleading* – Furnishing false information to University or emergency personnel with the intent to deceive or mislead.
- c. *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.

- d. *Misuse or Alteration of Documents* – (1) Forging, altering, or misusing University documents or records, or (2) altering documents provided to the University with the intent to deceive or mislead.
- e. *Fake Identification* – Possessing or using a fake, forged, or altered instrument of identification including, but not limited to, any kind of identification card.
- f. *False Report of Emergency* – Falsely reporting a fire or other emergency or falsely setting off a fire alarm.

7.08 **Fires and Emergencies**

- a. *Unauthorized Setting* – Setting a fire without authorization.
- b. *Inappropriate Use of Emergency Equipment* – Tampering with or removing from its proper location any fire extinguisher, hose, or other fire or emergency equipment, except when done with a reasonable belief of real need for such equipment.

7.09 **Hazing** – Is any intentional, knowing, or reckless act committed by one person or a group against another individual or group, regardless of willingness to participate that:

- a. is connected with an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization; and causes or creates a risk (above the reasonable risk encountered in the course of participation in the institution or the student organization) of physical or psychological injury. It includes activities such as:
 - 1. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - 2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - 3. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - 4. causing, coercing, or otherwise inducing another person to perform sexual acts;
 - 5. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - 6. any activity that may constitute personal servitude, including but not limited to expectations to provide beeping services, performing cleaning tasks, carry and present specific objects upon request, remain on call or continuously available, or running errands and complete tasks for another individual; and
 - 7. any activity against another person that includes a criminal violation of local, State ([NCGS §14-35](#)), Tribal, or Federal law; and
 - 8. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State ([NCGS §14-35](#)), Tribal, or Federal law.

7.09 **Noncompliance**

- a. *Failure to Comply* – Delaying, obstructing, resisting, or failing to comply with the reasonable request of an individual who, in the performance of their duties, identified

- themselves as a University Official, event staff, or emergency personnel. Examples include but are not limited to, failure to comply with a no contact directive issued by the Office of the Dean of Students, failing to comply with posted policies of ticketed, tailgating, and/or athletic events, or failing to comply with reasonable requests or expectations from a designated Inter/National Organizational Governing Body during a partnered investigation process (if the requests or expectations were supported by staff within the Office of Student Conduct and Academic Integrity).
- b. *Outcomes* – Failing to comply with outcomes imposed under the *Organizational Code of Conduct*, *Code of Student Conduct* or *Academic Integrity Code*.
 - c. *Unauthorized Disclosure* – Disclosing without authorization confidential records, tapes, information, or documents provided ancillary to any proceedings under the *Organizational Code of Conduct*, *Code of Student Conduct* or *Academic Integrity Code*.
 - d. *Unapproved Events* – Failing to comply with the rules and regulations of holding sanctioned and approved events.
- 7.11 **Projectiles** – Throwing or launching any object or substance which has potential for damaging or defacing property or causing physical harm or disruption. This may include snowballs, toy foam darts, etc.
- 7.12 **Retaliation** – Treating an individual adversely because that individual 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.
- 7.13 **Solicitation and Fundraising** – Soliciting or fundraising on University premises without authorization.
- 7.14 **Stalking** – Engaging in any actions on more than one (1) 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.
- 7.15 **Theft or Unauthorized Possession** – Taking or possessing the property of another without permission.
- 7.16 **Trademark/Copyright Violations** – The RSO/UAO engages in unauthorized use (including misuse) of University or organizational names and images.
- 7.17 **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, accessing, or attempting to access University premises without authorization.
 - c. *Property of Another* – Entering, accessing, or attempting to access the property of another without permission.
- 7.18 **Vandalism** – Engaging in an act that intentionally or recklessly damages, destroys, or defaces property owned by another.
- 7.19 **Violation of Law** – 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 the *Organizational Code of Conduct*, *Code of Student Conduct* or *Academic Integrity Code*.
- 7.20 **Violation of University Policies, Regulations, or Rules** – Violating any written policies, regulations, or rules of the University as may be amended from time to time.
- 7.21 **Weapons**
 - a. *Possession* – Possessing any firearm, explosive, or Weapon on University premises without authorization, except as otherwise explicitly allowed by law.
 - b. *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 VIII – Procedures

8.01 Standard of Information

The University must establish that the RSO/UAO is Responsible for the alleged violation(s) by a preponderance of the evidence, or a ‘more likely than not’ standard.

8.02 Initial Review of Information & Resolution Pathways

The University may receive and, in its discretion, review information regarding incidents of alleged organizational misconduct. The information review process may include, but is not limited to, collecting accounts from involved parties and/or witnesses, written statements, audio recordings, pictures, social media information, text messages, police reports, medical records, and other relevant information.

Upon receipt of information that suggests an RSO/UAO may have engaged in misconduct, the Director will evaluate that report to determine whether the allegations, if substantiated, would constitute a violation. If not, the Director will administratively close the case but may share the content(s) of the report with others as appropriate. If the report does describe a possible violation, the Director will then evaluate the content, detail, and general credibility of the report to determine appropriate pathway(s) for additional review and/or resolution.

This will include whether a single administrator process is appropriate, or if the University needs to utilize a team of trained interviewers/investigators (internal or external to the University). Review of information can occur at any point throughout the adjudication process (for example, witness interviews may occur prior to an organization receiving notice of any alleged violation(s)).

8.03 Partnered Resolutions

The University promotes a culture of self-governance, and encourages organizations to hold members/groups accountable for behavior outlined within their constitution(s), bylaws etc. Organizations are encouraged to utilize internal processes and standards boards to hold members accountable to their organization's purposes, policies, and expectations. When the behavior includes a violation of the *Organizational Code of Conduct*, the organization is expected to contact the Office of Student Conduct and Academic Integrity and report the alleged violation(s).

For low-level, straightforward violation(s), or when it is determined that an organization could be given the opportunity to conduct its own internal investigation and suggest outcomes related to addressing the alleged behavior(s), the organization may be offered an opportunity to engage in a Partnered Resolution Process.

If the Director believes the reported behavior is more likely than not to have occurred, and it is considered a low-level, straightforward violation, they may send an RSO/UAO Representative proposed outcome(s) in writing. Upon receipt, the RSO/UAO Representative can either accept the proposed outcome(s) or request a Pre-Resolution Meeting.

If the Director believes the organization could be given an opportunity to conduct its own internal investigation and suggest outcomes related to addressing the alleged behavior(s), the RSO/UAO Representative would be notified that a report of an alleged violation has been received, and an initial meeting between the RSO/UAO Representative and Director would be scheduled. The organization would then be given the opportunity to conduct its own internal investigation and suggest outcome(s). If the University is satisfied with the internal investigation and suggested outcome(s), they can move forward into finalizing the outcomes and resolving the case through that Partnered Resolution process. If the University is not satisfied with the internal investigation and/or suggested outcome(s), the case will be referred for a Pre-Resolution Meeting.

8.04 Pre-Resolution Meeting(s)

The Director will provide notice of the alleged violation(s) to the RSO/UAO Representative, as well as information about how to schedule a Pre-Resolution Meeting. The Pre-Resolution Meeting provides an opportunity to discuss the nature of the allegations, the rights and responsibilities of the RSO/UAO, and resolution options. The RSO/UAO

Representative is encouraged to bring other members with relevant information to the scheduled Pre-Resolution Meeting. Please provide advance notice if bringing more than 3 people so adequate space can be secured.

During this meeting, the RSO/UAO Representative will decide if they would like to engage in a Mutual Resolution process, or a Formal Resolution Process. If an organization does not participate in a Pre-Resolution Meeting within the outlined timeframe, the case will be referred to the Formal Resolution Process.

8.05 **Mutual Resolution**

The Mutual Resolution process offers an opportunity for the Director and the RSO/UAO Representative to discuss the allegation(s), review and discuss all relevant information, and engage in dialogue about outcomes. At the conclusion of the Mutual Resolution process, the Director will send the RSO/UAO Representative the proposed outcome(s) in writing. The RSO/UAO Representative may be given up to two (2) days to review the proposed outcome(s). The RSO/UAO Representative can either accept the proposed outcome(s) or request a Formal Resolution. If the RSO/UAO Representative accepts the proposed Mutual Resolution, they waive their right to a Formal Resolution and the outcome(s) are finalized and sent in an official outcome letter. A Mutual Resolution may not be appealed. If the RSO/UAO Representative declines the proposed Mutual Resolution or does not respond to the proposed Mutual Resolution in the outlined timeframe, the case will be referred to a Formal Resolution.

8.06 **Formal Resolution**

The Director will determine which formal resolution body will address the formal charge(s) by considering the nature of the allegation(s), scheduling, and any extenuating factors. A Formal Resolution can be facilitated through one of the following:

- **Administrative Hearing** – An Administrative Hearing will be conducted by an Administrative Hearing Officer who is a trained University staff member, or a trained third party, appointed by the Director to address the charge(s).
- **University Conduct Board** – The University Conduct Board shall be composed of individuals selected by the Director from a pool consisting of campus administrators, faculty, and students, so long as campus administrators constitute a majority of the committee.
 - One full-time staff member of the University Conduct Board will be appointed Chair by the Director each time it is convened.
 - A University Conduct Board shall consist of three (3) to five (5) members including the Chair at the discretion of the Director. A case may be referred to an Administrative Hearing Officer when one or more of the following circumstances exists:

- the case arises at a time when the Conduct Board(s) cannot be convened;
- the case is complex and/or involves a large number of parties or Witnesses; or
- other circumstances that, in the sole discretion of the Director, warrant use of an Administrative Hearing Officer in order to advance the prompt and equitable resolution of cases or to support the orderly administration of cases being considered under the *Organizational Code of Conduct*.

During a Formal Resolution, the RSO/UAO Representative will be permitted to bring up to 3 additional spokespersons to participate in the hearing in a non-witness capacity. Whether other participants such as RSO/UAO Advisors or individuals from any Inter/National Organizational Governing Body will be permitted to participate in a Formal Resolution in any capacity will be determined on a case-by-case basis by the Director.

In some instances, the University may invite Organization Category Experts (OCEs) to participate in a Formal Resolution. These individuals will have a higher level of knowledge and/or expertise of a specific RSO/UAO category and can be included to provide clarification during the Formal Resolution Process. OCEs may be staff members from specialized units related to the category of the organization or their designees.

If the RSO/UAO Representative fails to attend their scheduled hearing, the Board or Administrative Hearing Officer shall adjudicate the case in their absence.

Article IX – Outcomes

At the conclusion of the resolution process, the decision-maker(s) will determine whether a violation has occurred and selects one of the following options for any alleged violation:

- **Not Responsible** – This outcome can be determined at any stage of the process. If a finding of not responsible is determined, the case is considered closed, and the organization has no reportable disciplinary history related to that case.
- **Charge(s) Dropped/Case Dismissed** – This outcome is applied when it is determined that there is insufficient or unobtainable information to make a determination. A dropped charge may be reinstated within one calendar year from the date it was dropped if substantial new information becomes available. If a charge is dropped/the case is dismissed, the case is considered closed, and the organization has no reportable disciplinary history related to that case.
- **Responsible** – This outcome occurs when the decision-maker(s) established to a preponderance of the evidence standard that a violation occurred.

If an RSO/UAO accepts responsibility through a Mutual Resolution or is found responsible for violation(s) through the Formal Resolution process, status and educational outcomes will be determined to effectively address the behavior of the RSO/UAO related to the violation(s) and if appropriate, provide an opportunity to create sustainable change of behaviors, culture and/or activities. This process can be collaborative in nature and include soliciting input from the RSO/UAO representative(s), advisor(s), and/or members of the inter/national organizational governing body.

The decision-maker(s) will determine an appropriate Status Outcome as well as any appropriate Educational Outcome(s).

9.01 **Status Outcomes**

- **Letter of Concern** – Notification that the University is concerned about the organization's behavior. This outcome is considered part of an organization's disciplinary history for a period of one (1) year from the date issued.
- **Disciplinary Warning** – Official disciplinary action conveying to the organization that their behavior was unacceptable, and that any future violation(s) may result in more severe disciplinary action, including Disciplinary Probation, Suspension, or Revocation of University Recognition/Affiliation. This outcome is considered part of an organization's disciplinary history for a period of three (3) years from the date issued.
- **Disciplinary Probation** – A period in which the organization's behavior is under University review, conveying that the behavior was unacceptable and that any future violation(s) may result in more severe disciplinary action, including Suspension or Revocation of University Recognition/Affiliation. This outcome is considered part of an organization's disciplinary history for a period of five (5) years from date issued.
- **Suspension** – Separation from the University for a determined period of time. The purpose is to create separation between the RSO/UAO and the University for a determined period of time. During the period of Suspension, the RSO/UAO will have all benefits of University recognition/affiliation suspended. A suspended 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 State University's name or marks in any manner for any purpose. This outcome is considered part of an organization's disciplinary history for a period of eight (8) years from date issued. The group must disband/cease operations and remain inactive for the duration of the Suspension period.
- **Revocation of University Recognition/Affiliation** – The organization's relationship with the university is terminated. During the period of Revocation, the RSO/UAO will have all benefits of University recognition/affiliation rescinded. A revoked 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 State University's name or marks in any manner for any purpose. This outcome is considered part of an organization's disciplinary history indefinitely. The group must disband/cease operations and remain inactive for the duration of the Revocation period.

9.02 Educational Outcomes

*This is not an exhaustive list

- Mandated Service
- Educational Workshops/Programs/Trainings/Certifications
- Research/Reflective Essay(s)
- Presentations to the Community
- Restitution
- Restrictions
 - Suspension of rushing, recruitment, or intake processes
 - Representing the University in any official function, leadership position, elected position etc.
 - Social Restrictions
 - Hosting/Co-Hosting parties and other formal or informal social events (with or without alcohol)
 - Participating in University activities/events/award ceremonies etc.
 - Campus/Facility Restrictions
 - Being on part(s) of the campus community/in specific facilities
 - Reserving/using certain space(s) within the campus community/in specific facilities

When making Outcome(s) determinations, the decision-maker(s) will also consider any appropriate Compelling Factors, which may include, but are not limited to:

- Prior Disciplinary History
- The nature of the behavior(s), as well as any impact(s)
- The available support from any external/alumni partners, advisor(s), and/or members of the inter/national organizational governing body, if applicable
- Information provided in a desired outcome statement and/or Impact Statement

Unless otherwise noted, all outcomes become effective upon the conclusion of any finalized Partner or Mutual Resolution(s), or appeal process of a Formal Resolution. If the case was resolved through a Formal Resolution and no appeal request is submitted, Outcomes become effective after the deadline for submitting an appeal request lapses.

Article X – Petition to Return

At the conclusion of a Suspension or Revocation period, the organization must submit a petition to return to campus. To be eligible, the organization must have completed all Outcomes and requirements listed in its outcome letter(s), disbanded and remained inactive for the duration of the Suspension or Revocation period, and present a clear plan for a successful return.

A petition request should be sent to the Office of Student Conduct and Academic Integrity as well as any appropriate campus offices (such as Campus Activities, UREC, Fraternity and Sorority Life etc.). The petition packet must include a Petition Letter and any supporting materials that document the organization's readiness to reengage with the campus community. The Petition Letter should include a reflection on the events that led to the Suspension or Revocation, describe steps taken to address the behavior(s) and prevent recurrence, and explain why the University should consider the organization's return.

The Director will complete an initial review of the submitted materials and determine whether additional information or clarification is needed. Following that review, designated campus stakeholders (including staff from the Office of Student Conduct and Academic Integrity and other relevant campus partners) will review the materials and recommend next steps to the Director.

The Director will decide whether the organization is granted a Petition Hearing. If the organization is granted a Petition Hearing, the Director will determine which petition resolution body will address the petition request. A Petition Hearing can be facilitated through one of the following:

- **Administrative Hearing** – An Administrative Hearing will be conducted by an Administrative Hearing Officer who is a trained University staff member, or a trained third party, appointed by the Director to address the petition.
- **Panel Administrative Hearing** – An Administrative Hearing conducted by three (3) Administrative Hearing Officers who are trained University staff members, or trained third parties, appointed by the Director to address the petition.
- **University Conduct Board** – The University Conduct Board shall be composed of individuals selected by the Director from a pool consisting of campus administrators, faculty, and students, so long as campus administrators constitute a majority of the committee.
 - One full-time staff member of the University Conduct Board will be appointed Chair by the Director each time it is convened.
 - A University Conduct Board shall consist of three (3) to five (5) members including the Chair at the discretion of the Director. A case may be referred to an Administrative Hearing Officer when one or more of the following circumstances exists:
 - the case arises at a time when the Conduct Board(s) cannot be convened;
 - the case is complex and/or involves a large number of parties or Witnesses; or

- other circumstances that, in the sole discretion of the Director, warrant use of an Administrative Hearing Officer in order to advance the prompt and equitable resolution of cases or to support the orderly administration of cases being considered under the *Organizational Code of Conduct*.

During a Petition Hearing, the RSO/UAO Representative will be permitted to bring up to 3 additional spokespersons to participate in the hearing in a non-witness capacity. Whether other participants such as RSO/UAO Advisors or individuals from any Inter/National Organizational Governing Body will be permitted to participate in a Formal Resolution in any capacity will be determined on a case-by-case basis by the Director.

In some instances, the University may invite Organization Category Experts (OCEs) to participate in a Petition Hearing. These individuals will have a higher level of knowledge and/or expertise of a specific RSO/UAO category and can be included to provide clarification during the Petition Hearing. OCEs may be staff members from specialized units related to the category of the organization or their designees.

The return of the organization is not automatic. Failure to meet outlined requirements or demonstrate a plan for a successful return could result in the denial of the organization's petition to return.

Organizations returning from Revocation must also seek clearance/reestablishment from other appropriate campus entities. This may include following the chartering of new student organizations process through Campus Activities, or, if the organization is a social fraternity or sorority, following the process outlined in the Fraternity and Sorority Life Organizational Growth Policy.

Article XI – Appeals

The purpose of the appeal process is to provide the opportunity for questioning the appropriateness of actions resulting from a Formal Resolution. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level.

11.01 Grounds for Appeal

- A violation of due process
- Substantial deviation from the policies and procedures outlined in this document that affected the outcome(s)

Appeals must be submitted to the Director within five (5) business days of the notice of the decision. The appeal must be submitted via an online form available from the Office of Student Conduct and Academic Integrity. In extenuating circumstances, the Director may grant an extension of time. A request for an extension of time must be made in writing and approved by the Director. The appeal must clearly state the grounds on which it is based and present specific reasons or justifications to support the appeal.

11.02 **Resolving an Appeal**

The Appeals Board or Administrator may rule on the appeal upon receipt or appoint a committee to recommend action on the appeal. Appeals must be heard and determined by separate campus administrator(s) or a neutral external adjudicator engaged by the campus, none of whom participated in the initial hearing and disposition being appealed.

The Appeals Board or Administrator may issue one of the following decisions:

- Uphold the finding(s) and outcome(s);
- Modify the finding(s) and/or outcome(s);
- Remand the case to the same or a new Board or Administrative Hearing Officer.

A decision must be made within fifteen (15) days after the appeal is received by the Appeals Board or Administrator. Notice of the decision must be delivered in writing to the RSO/UAO Representative within five (5) days of the decision. The decision of the Appeals Board or Administrator is final and cannot be appealed further.