
Resolution of Student Conflict and Alleged Violations of University Policy



Bringing a Complaint Against a Student

Complaints regarding student behavior may be filed with the Office of Judicial Affairs in the Dean of Students Office, Residence Life and Housing Services, the Office of Fraternity and Sorority Life, Duke Police, or in cases of harassment, with the Office for Institutional Equity. These offices work together in order to determine the most appropriate venue for resolution. In any situation where a party is unsure of whom to call, he/she may contact the Office of Judicial Affairs.

Any alleged violation of university policy, including academic dishonesty, is within the jurisdiction of the Office of Judicial Affairs. If the Office of Judicial Affairs determines that another office is more appropriate to handle the situation, the case may be referred to that office. (Violations that occur within residential areas will often be referred to Residence Life and Housing Services.)

The Dean of Students Office coordinates a mediation program, which may be accessed upon referral or at the request of a student to resolve disputes between students.

In general, residence life staff will handle complaints of conduct within residential areas unless the alleged behavior is of a serious nature or the student has had prior violations, in which case the case may be referred for disciplinary action through the Office of Judicial Affairs (684-6938, <http://judicial.studentaffairs.duke.edu>).

The Office of Judicial Affairs will work with the Office for Institutional Equity (OIE) to determine the most appropriate way to resolve allegations of harassment. (In general, the Office of Judicial Affairs will handle cases where the respondent/accused is an undergraduate student and OIE will handle cases involving graduate students or employees.) Resolution of harassment complaints may include mediation, informal resolution, or resolution through the undergraduate disciplinary system or through the processes within OIE.

TYPES OF RESOLUTION

Mediation

Mediation is a process that empowers students to resolve their own disputes. Through mediation, a neutral third party assists students in coming to a peaceful and agreeable solution. The university encourages informal mediation whenever practical or appropriate. Students interested in utilizing the peer mediation program to resolve a conflict should contact the Dean of Students Office. Staff within the Office of Judicial Affairs may also refer cases to mediation as appropriate. Ultimately, all parties involved must agree to mediation. If one party does not agree to mediation, or if the mediation fails, the Office of

Judicial Affairs may refer a case to arbitration and/or disciplinary resolution. Failure to comply with the results of mediation may be cause to commence the disciplinary process.

Arbitration

Arbitration is a process by which students are given an opportunity to present information about a dispute to a neutral third party who renders a decision. Arbitration is often used in roommate conflicts or other relationship conflicts where residential status or participation/access privileges are at issue and mediation is not appropriate. The Office of Judicial Affairs may choose to send any case to arbitration. Arbitration will not result in a disciplinary record, but the arbitrator(s) may alter students' living status, limit privileges or invoke restrictions on participants. Failure to comply with the results of arbitration may be cause to commence the disciplinary process.

Informal Resolution

Generally, misconduct in the residence halls will be resolved through staff members in Residence Life and Housing Services. Informal resolutions may include residential warnings or probation, relocation, community service, restitution or educational initiatives. Students who are alleged to have committed serious infractions (e.g., drug or safety violations) or who repeatedly violate any residential and/or university policy will be subject to formal disciplinary action through the Office of Judicial Affairs in the Dean of Students Office.

Staff within the Office of Judicial Affairs may also choose to utilize the informal resolution process to resolve minor issues of student behavior. Resolutions resulting from this process may include a warning, an educational assignment or community service. Failure to comply with the resolution may be cause to commence the disciplinary process. Records of informal resolution will be kept internally and will not be considered part of a student's disciplinary record.

Disciplinary Action

Any case involving an alleged violation of community standards, Greek organization policies, or university rules and regulations by an undergraduate student or group may be resolved through the undergraduate disciplinary system.

The Undergraduate Disciplinary System

The purpose of the undergraduate disciplinary system is to promote honesty, trustworthiness, fairness, and respect for others within the university community and to provide a fair and effective mechanism for resolving cases in which an undergraduate student (or group) is alleged to have violated the standards or policies of the university.

All complaints of inappropriate student behavior may be filed with or forwarded to the Office of Judicial Affairs in the Dean of Students Office. Staff within the Office of Judicial Affairs will determine the most appropriate means by which to handle a complaint. Resolution may include mediation, arbitration, informal resolution, or disciplinary action.

ORGANIZATION

1. The Office of Judicial Affairs, within the Dean of Students Office, is designated to oversee the undergraduate disciplinary system.
2. Hearing officers are designated to resolve disciplinary matters through informal or formal disciplinary resolution.
3. The Undergraduate Judicial Board (UJB) is designated to resolve formal disciplinary matters that involve complicated circumstances or serious infractions of university policy. The UJB is comprised of students, faculty and staff. At all times, consideration shall be given to the appointment of a board reflective of the population of the university community. Student members are

juniors and seniors selected each spring semester. (Once selected, student members will serve for the remainder of their undergraduate careers.) Student co-chairs will be elected by the board immediately following the completion of the new member selection process. Faculty members are appointed/approved by the dean of Trinity College or the Pratt School of Engineering. Staff members are appointed/approved by the vice president for Student Affairs.

4. The Greek Judicial Board (GJB) hears cases involving university-recognized fraternities and sororities. The Office of Judicial Affairs reserves the right to administratively resolve cases involving such organizations. Generally, however, all alleged violations of university policy and/or recruitment and intake rules of the Interfraternity Council, Inter-Greek Council, National Pan-Hellenic Council, or Panhellenic Association will be resolved through the GJB. The GJB is comprised of students selected from each of the above umbrella organizations.
5. The Appellate Board considers appeals of students/groups found responsible and sanctioned through a formal disciplinary hearing. The Appellate Board is currently chaired by the vice provost for Academic and Administrative Services and includes the vice president for Student Affairs and the senior associate deans from Trinity College and the Pratt School of Engineering.
6. Disciplinary advisors are available to assist students/groups through the disciplinary process. Advisors include students and staff who have been trained and are familiar with the disciplinary system. A list of advisors is maintained by the Office of Judicial Affairs and will be made available at any time.

JURISDICTION

1. The university may respond to any complaint of behavior that occurred within a student's undergraduate career, from application to graduation. Complaints of sexual misconduct must be filed within two (2) calendar years of the alleged incident.
2. Any undergraduate student is subject to disciplinary action. This includes students who have matriculated to, are currently enrolled in, are on leave from, or have been readmitted (following a dismissal) to programs of the university.
3. With the agreement of the vice president for Student Affairs and the dean of the college or school, jurisdiction may be extended to a student who has graduated and is alleged to have committed a violation during his undergraduate career.
4. The accused may also be a cohesive unit of the university, such as a living group, athletic team or other recognized organization.
5. The disciplinary process primarily applies to on-campus behavior. However, the university reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing any violation of state or federal law, or university policy—on or off campus—that constitutes a direct or indirect threat to the university community. Additionally, students or groups who are on university-affiliated programs/outings may be subject to disciplinary action.
6. In cases of alleged policy violations by a student enrolled in a joint degree program or interdisciplinary coursework within Duke, each school or unit (the home unit and the host unit) may have a stake in the adjudication. Thus, an ad hoc process shall be developed and an ad hoc panel formed with representatives from both institutions/units to handle the case. The sanctions may be different for each school or unit.

7. For students doing inter-institutional coursework at other institutions, whether domestic or international, or for visiting students enrolled in classes at Duke, the home and the host institutions should confer and decide the process to be followed, which may include combined or separate elements. The sanction may be different for each institution.

THE DISCIPLINARY PROCESS

Complaints

Complaints of behavior alleged to violate university policy should be forwarded to the Office of Judicial Affairs in the Dean of Students Office.

Interim Restrictions

Prior to investigation and resolution, interim restrictions may be placed on a student/group to protect the health and safety of students or the community. These restrictions may include a “no contact order,” removal of privileges, removal from or relocation within the residential community, suspension of activity, or suspension from the university.

An interim suspension from the university may be imposed by the dean of the school or college or the vice president for Student Affairs, or designee, and shall become effective immediately without prior notice whenever there is evidence that the continued presence of the student poses a substantial and immediate threat to him/herself, to others, or to the university community. A prompt investigation and resolution shall follow the interim suspension.

Investigation

Judicial Affairs staff will gather information regarding the alleged incident in order to determine the appropriate means of resolution. Cases involving university-recognized fraternities and sororities may be referred to the Greek Judicial Board at any point for further investigation. In such cases, the non-chairing GJB co-chairs will serve as principal investigators.

Investigations may include a review of related documents, interviews, or requests for written statements from any person involved in the alleged incident. Students and organizations are encouraged to be forthright and as specific as possible when offering information related to an investigation, but may choose the extent to which they share information.

Cases may be dropped for insufficient information, or referred for mediation, arbitration, informal resolution or disciplinary action. In order for a case to be referred for disciplinary action, there must be sufficient information to believe that a policy violation may have occurred and that the alleged individual/group may be responsible.

Referral for Disciplinary Action

If a case is referred for disciplinary action, the student/group will be notified of the incident in question and the policy violation(s) under consideration, and will be given an opportunity to respond. There are several means by which to resolve disciplinary situations. The Office of Judicial Affairs will determine which avenue is most appropriate to pursue.

Disciplinary hearings are not trials and are not constrained by rules of procedure and evidence typically used in a court of law. The university disciplinary system operates under a standard of fairness, which includes an opportunity for the student/group to be notified of the alleged incident and policy violations under consideration and an opportunity to be heard.

Resolution through a Disciplinary Hearing

Any case may be forwarded directly to a disciplinary hearing if there is sufficient information to believe that a policy violation may have occurred and that the alleged

individual/group may be responsible. Most cases will be referred to administrative hearings. Cases that are serious in nature or involve complicated facts may be forwarded to the Undergraduate Judicial Board (UJB) or the Greek Judicial Board (GJB) for resolution. (See “Sexual Misconduct” for adjudication of allegations of sexual misconduct.)

Individuals who deny responsibility for serious offenses of university policy and who face possible suspension or expulsion from the university have the right to request a hearing before a five-person panel of the UJB.

Individuals who accept responsibility for alleged violations of university policy, but are unable to agree on a proposed sanction, which may include suspension or expulsion, have the right to request a hearing before a three-person panel of the UJB. (The judicial officer may, due to the circumstances of the case, elect to utilize a five-person panel.)

Composition of GJB hearing panels and other GJB hearing procedures are outlined in the “Greek Judicial Board Hearings” section of this chapter.

Resolution through Agreement

If a student/group accepts responsibility for (an) alleged violation(s), the judicial officer, or designee, may propose an appropriate sanction(s) based on the specifics of the case, precedent and university interests.

If the student/group accepts responsibility and agrees to the proposed sanction(s), the student/group waives his/her/its right to a hearing and/or appeal, the resolution becomes final, and the outcome is recorded on the student’s/group’s disciplinary record. If the student/group accepts responsibility, but is unable to agree to the proposed sanction(s), the case will be forwarded to a hearing to determine (an) appropriate sanction(s).

If the student/group denies responsibility, the case will be forwarded to a hearing to determine responsibility and (a) sanction(s) as appropriate.

Disciplinary Hearing Types

There are three types of hearings. Most cases are decided upon through an administrative hearing, which is a discussion between the student/group and a hearing officer. Cases that are serious in nature or involve complicated facts may be forwarded to the UJB or the GJB for resolution. Students who face a possible sanction of suspension or expulsion may request to have his/her case heard by a panel of the UJB. Groups who face possible dissolution may request a hearing by a panel of the UJB or, if appropriate, the GJB.

(See “Sexual Misconduct” for adjudication of allegations of sexual misconduct.)

ADMINISTRATIVE HEARINGS

An administrative hearing is a discussion between a student/group alleged to be in violation of university policy and a hearing officer. Students will be notified (typically via e-mail) of the specific violations under consideration in advance of an administrative hearing. The hearing officer will review the complaint with the student or group and give the student/group an opportunity to respond. The hearing officer will determine whether the student/group is responsible for the alleged policy violation, and, if so, issue (an) appropriate sanction(s). Administrative hearings are closed.

All decisions of responsibility are based on clear and convincing information. In determining sanctions, the hearing officer will take into account the interests of the student/group and the university, previous violations of the student/group, and prior university response to similar violations.

Decisions made through this process may be appealed to the Appellate Board (see Appeals). When students/groups are found responsible for a violation, a notation will be made on the respective disciplinary record.

UNDERGRADUATE JUDICIAL BOARD HEARINGS

The Undergraduate Judicial Board is a group of students, faculty and staff appointed to hear serious infractions of university policy. The board is charged with determining

whether a student/group's actions constitute a violation of university policy and, if so, an appropriate response. In determining an appropriate response, consideration is given to the student/group's interests as well as the university's interest in maintaining high standards.

All UJB hearings are conducted in private. Any student whose presence is required by the judicial officer at a hearing will be excused from any other university responsibility.

Accused Students

Accused students are entitled to the following procedural rights when facing a hearing before the Undergraduate Judicial Board:

- to be informed that he or she is under investigation;
- to seek advice from anyone;
- to seek advice from a trained advisor made available by the university;
- to be given an opportunity to respond to allegations;
- to choose the extent to which he or she shares information;
- to be notified of a hearing at least 48 hours in advance (notification will include the time, date and location of the hearing as well as names of hearing panel members and witnesses);
- to challenge any panel member if there is a significant conflict of interest;
- to know of and review written evidence and charges presented to the hearing panel at least 48 hours in advance;
- to be accompanied by an advisor to the hearing (who must be a member of the university community, defined below);
- to a fair and impartial hearing;
- to confront any witness presenting information against him or her;
- to present additional witnesses or information at the hearing (the relevancy of which may be determined by the Board);
- to be found responsible only if the evidence meets a clear and convincing burden of proof;
- to appeal based upon clearly stated grounds.

Advisors

Accused students are encouraged to seek advice and support from whomever they choose throughout the disciplinary process. An advisor may accompany an accused student to a UJB hearing. The advisor may be from the designated list of trained student and staff advisors available through the Office of Judicial Affairs (<http://judicial.studentaffairs.duke.edu>), or may be a member of the university community. A member of the university community is defined as a current student, or a faculty or staff member currently employed by the university. The advisor may not be a member of the UJB. The role of the advisor is to assist and support the student through the disciplinary process. The advisor may not address the hearing panel or any witness during the hearing.

The trained student and staff disciplinary advisors are valuable resources, thoroughly familiar with the judicial process. In the event that a recommended advisor is unavailable, an accused student may ask for the names of additional advisors from the Office of Judicial Affairs.

Hearing Panels

Hearing panels charged with determining a verdict and a sanction shall consist of three students and two members of the faculty or staff selected from the UJB. Hearing panels charged with determining only a sanction shall consist of two students and one faculty or staff member selected from the UJB. (In some circumstances, the judicial officer may choose to utilize a 5-person panel consisting of three students and two faculty or staff members to determine a sanction.)

An accused student may agree to a smaller panel or different student-to-faculty/staff ratio in the event that a full panel is not available. The accused student also may challenge any panel member if there is a significant conflict of interest. Such a challenge must be made at least 24 hours prior to the hearing and will be granted only for sufficient cause.

At times of the year when regular panels are not available (i.e., during the summer or semester breaks), the judicial officer may appoint a special hearing panel, which may include members of the university community who are not part of the Undergraduate Judicial Board or may have a different composition of students and faculty/staff than panels held during the normal academic year.

Notice

An accused student will be notified of a UJB hearing at least 48 hours in advance. The notice will include the date and time of the hearing, the specific charges at issue, the names of the panel members, and copies of all written information given to the hearing panel. The judicial officer also may include information clarifying or noting any additional information gathered through the investigation without expressing any personal opinion about the merits of the case.

The complainant will also be notified of the hearing if his/her presence is required. At his or her request, the complainant may also receive—within the parameters of FERPA—a copy of the written information given to the hearing panel.

Upon proper notice, if the student fails to attend the hearing, the hearing panel may proceed in his/her absence.

Witnesses

The judicial officer may require the presence of any witness with pertinent information about a case. Failure to attend could result in disciplinary action against a student witness. If a witness is unidentified or unavailable to attend the hearing, his/her statement may not constitute a sole or substantial basis for determining responsibility. If he/she is necessary and unidentified or unavailable, the judicial officer or the chair of the hearing panel may suspend or dismiss the proceedings.

The accused student/group may bring relevant material witnesses to speak on his/her/its behalf. These witnesses should submit a brief statement to the judicial officer prior to the hearing summarizing their knowledge of the incident. The panel may determine the extent to which witnesses will be permitted in the hearing, including relevancy of questioning and information presented.

Written character references may be submitted to a hearing panel before a hearing begins.

An accused student also may request the attendance of any person who has submitted a written statement against him/her.

Procedure

The general course of procedure for UJB hearing is as follows: introductions; opening comments from complainant(s) (if applicable); opening comments from accused; questions; testimony/questions of other material witnesses (if applicable); closing comments from complainant (if applicable); closing comments from accused.

The panel may impose time limits on any stage of the procedure. The panel may also determine the relevance of any witness or information to be presented and/or considered by the Board.

Information to be Considered by the Panel

The panel may consider any information it deems relevant, including documentation and expressions of opinion. If the panel needs additional information during a hearing, such as verification of a fact at issue, an expert opinion, etc., the panel may request such information and may suspend its decision until such information is obtained. The accused student/group will have the right to respond to any additional information that is to be used in considering an outcome.

Outcome

Based on clear and convincing information considered during the hearing, the panel may find a student/group responsible for an alleged violation by majority vote. The panel, also by majority vote, may dismiss any charge.

Upon finding a student/group responsible for a violation of university policy, the panel may determine and impose an appropriate sanction(s). Consideration may be given to the nature of and circumstances surrounding the violation, the student's/group's acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student/group, precedent cases, university interests and any other information deemed relevant by the hearing panel. All sanctions must be decided by majority vote with the exception of suspension or expulsion of an individual or dissolution of a group. These sanctions must be supported unanimously by a three-person panel or by four members of a five-person panel.

Notification and Record of the Hearing Outcome

The panel chair and/or the judicial officer will notify the accused student/group of the outcome of the hearing. A written hearing report describing the outcome, with a brief explanation of the reasoning, will be given to the accused student/group. A copy of the written hearing report will be placed in the precedent files with any personally identifying information removed. (The precedent files are not updated immediately in order to help protect confidentiality.) Precedent files are available to be viewed by undergraduates through the Office of Judicial Affairs in the Dean of Students Office.

The complainant will be informed of the outcome of a hearing in accordance with federal guidelines.

A recording of each hearing will be made and kept on file for three years. A copy will be made available to the accused student upon request.

GREEK JUDICIAL BOARD HEARINGS

The Greek Judicial Board is a group of Greek community members appointed to hear serious infractions of Greek organization and/or university policies. The board is charged with determining whether a group's actions constitute a violation of any policies and, if so, an appropriate response. In determining an appropriate response, consideration is given to the group's best interests as well as the Greek community's and university's interests in maintaining high standards. All Greek Judicial Board hearings are conducted in private.

Advisors

An advisor may accompany accused groups to a Greek Judicial Board hearing. The role of the advisor is to assist and support the group through the disciplinary process. The advisor must be a member of the university community and may not be a member of the Greek Judicial Board. The advisor may not address the hearing panel or any witness during the hearing.

Hearing Panels

Hearing panels charged with determining a verdict and/or sanctions shall consist of a majority of justices from the accused group's umbrella organization and justices of the other umbrella organizations whose total number shall be less than or equal to the number of justices from the accused umbrella organization (for example, if the accused group is an IFC chapter, the hearing panel may consist of three IFC justices, two NPC justices, and one NPHC/IGC justice). The Hearing chair will be the accused group's umbrella organization judicial chair. The chair will have voice, but not vote, unless there is a tie. Members of the accused chapter may not serve on the hearing panel. An accused group may agree to a smaller panel or to a different umbrella group ratio in the event that a full panel is not available. The accused group may also challenge any panel member if there is a significant conflict of interest. Such a challenge must be made to the chair at least 24

hours prior to the hearing and will be granted only for sufficient cause. In the event that the hearing chair's chapter is also the accused organization, the president from the representative umbrella organization will chair the hearing.

Notice

The principal investigators will set the date and time for Greek Judicial Board hearings. They will also select justices and alternates. An accused group will be notified of a Greek Judicial Board hearing at least 48 hours in advance. The notice will include the date and time of the hearing, the specific charges at issue, the names of the panel members, and copies of all written information given to the hearing chair and the group's inter/national organization. The principal investigators also may include information clarifying or noting any additional information gathered through the investigation without expressing any personal opinion about the merits of the case.

The complainant will also be notified of the hearing if his/her presence is required. The chair will determine what information, if any, may be shared with the complainant. Upon proper notice, if the group fails to attend the hearing, the hearing panel may proceed in its absence.

Witnesses

The chair may request the presence of any witness with pertinent information about a case. If a witness is unidentified or unavailable to be questioned by the principal investigators or to attend the hearing, his/her statement may not constitute a sole or substantial basis for determining responsibility. If he/she is necessary and unidentified or unavailable, the chair may suspend or dismiss the proceedings.

In the case of a witness requesting to remain confidential, the principal investigators will interview him/her prior to the hearing and will provide a written and oral summary of the witness' testimony. If further questioning of the witness is necessary during the course of a hearing, arrangements may be made for the principal investigator(s) to question the witness outside of the hearing room or the chair may call a recess and reconvene the hearing later to make time for further investigation/questioning by the principal investigators.

The accused group may bring relevant material witnesses to speak on its behalf and may submit two written character references. Material witnesses should submit a brief statement to principal investigators prior to the hearing summarizing their knowledge of the incident. The chair will determine the extent to which witnesses will be permitted in the hearing, including relevancy of questioning and information presented.

An accused group also may, with sufficient cause, request the attendance of any person who has submitted a written statement against it. Such requests must be submitted to the chair at least 24 hours before the hearing.

Information to be Considered by the Panel

The panel may consider any information deemed relevant, including documentation and expressions of opinion. If the panel needs additional information during a hearing, such as verification of fact at issue, an expert opinion, etc., the panel may request such information and may suspend their decision until such information is obtained. The accused group will have the right to respond to any additional information that is to be used in considering an outcome.

Outcome

Using "a clear and convincing" standard, the panel may find a group responsible for an alleged violation by majority vote. The panel, also by majority vote, may dismiss any charge. In the case of a tie, the chair will cast the deciding vote.

Upon finding a group responsible for a violation, the panel may determine and impose an appropriate sanction. Consideration may be given to the nature of and circumstances surrounding the violation, the group's acceptance of responsibility, the group's standing

with its national organization, prior disciplinary violations for the previous three years, the impact of a sanction on the group, precedent cases, Greek community and university interests, and any other information deemed relevant by the hearing panel. All sanctions must be decided by majority vote with the exception of dissolution of a group. The hearing panel and chair must support dissolution unanimously.

Notification and Record of the Hearing

The chair will notify the accused group of the outcome of the hearing typically within one week of the conclusion of the hearing. A written hearing report describing the outcome, with a brief explanation of the reasoning, will be given to the accused group. A copy of the written hearing report will be sent to the group's Inter/National headquarters and another copy will be placed in the precedent files with any personally identifying information removed.

A recording of each hearing will be made and kept on file for three years. A copy will be made available to the accused group upon request.

Sanctions

Any disciplinary hearing may result in penalties (singly or in combination), including, but not limited to, those from the following list. In determining appropriate sanctions, consideration may be given to the nature of and circumstances surrounding the violation, the student's acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student, precedent cases, university interests and any other information deemed relevant by a hearing panel/officer.

For cases resolved through the Undergraduate Judicial Board, all sanctions are decided by majority vote with the exception of a suspension or expulsion of an individual or dissolution of a group. These sanctions must be supported unanimously by a three-person panel or by four members of a five-person panel.

For cases resolved through the Greek Judicial Board, all sanctions must be decided by majority vote with the exception of dissolution of a group. The hearing panel and chair must support dissolution unanimously.

Expulsion

Dismissal and permanent removal from the university without possibility of readmission or reinstatement. A permanent notation to that effect is made on the student's permanent academic record.

Degree Revocation

A student's degree may be revoked. In such a case, a permanent notation to that effect is made on the student's permanent academic record.

Suspension (Individual)

A suspension is an involuntary dismissal from the university for a specified period of time, which may include the current semester and such additional semesters as deemed appropriate by the hearing panel. (Exclusion from campus will be considered in cases resulting in a suspension.)

Readmission as a student in good standing is coordinated through the dean of the college or school and, in addition to guidelines set forth by the academic dean, is contingent upon satisfaction of any requirements stated in the original sanction. Upon a student's readmission to and matriculation in the university, the student is placed on disciplinary probation for the remainder of his/her undergraduate career.

As suspension constitutes an involuntary withdrawal from the university, a permanent notation to that effect is made on the student's permanent academic record.

A student who is suspended after having satisfied all degree requirements must apply for readmission in accordance with normal procedures. If readmitted, the student's degree will be awarded at the regular conferral date for the final semester of the suspension period. The student may not participate in commencement exercises until readmitted.

In the event that a disciplinary suspension and an academic withdrawal occur simultaneously, the student's academic dean will determine whether the two withdrawals are to be in effect concurrently or consecutively.

Suspension of Activity/Dissolution (Group)

Residential or cohesive units may be suspended for a specified time period from activities sponsored, cosponsored, performed by, or attended by its members. A suspension is generally followed by disciplinary probation for a specified period of time.

The privilege of a residential or other cohesive unit to be recognized at Duke University also may be suspended or revoked (dissolution).

Withdrawal of Privileges

This may include, but is not limited to, withdrawal of the privilege to have a car on campus, park on campus, attend or participate in university programs or activities (such as sporting events, intramurals, performances, graduation exercises, etc), or maintain computer account privileges.

Housing License Restrictions/Revocation

A student's privilege to live on campus may be restricted or revoked. This may include relocation, revocation for a period of time or permanent removal from the residential community. (Refunds for revocation may be denied based on RLHS policies.)

Disciplinary Probation

A status imposed on students or residential/cohesive units for a specific period of time during which another violation of university policy or violation of any of the conditions of the probation shall result in an augmented disciplinary action, including the possibility of suspension. Disciplinary probation may include a restriction of the student's or group's privileges or eligibility for activities (e.g., study abroad).

Exclusion

A student or group may be excluded from access to or use of specified university-owned premises and/or facilities.

No Contact Order

A student or group may be prohibited from communicating with a named individual.

Warning

A formal written admonition that explicitly states the certainty of a more severe disciplinary sanction for subsequent disciplinary violations.

Restitution

Payment for all or a portion of injury or damages to person(s) or property caused by an individual or a group.

Fine

Payment to Duke University of a reasonable sum of money.

Community Service

Specified hours during which period a student or residential or cohesive unit will perform in a service capacity at the university or in the Durham community. Failure to complete community service within the specified period, and present verification, may result in additional hours assigned or further disciplinary action.

Mental Health/Medical Assessment and/or Treatment

A hearing panel/officer may recommend or require a student to seek a mental health/medical assessment from CAPS, Student Health, or other appropriate professional. The hearing panel/officer will not be privy to the contents of that assessment without the

permission of the student but may require verification that the assessment was completed and that the student followed through with recommendations of the professional.

Educational Projects/Initiatives

Students may be required to complete a project or a written assignment, attend an educational program, or seek assistance from the Academic Skills Instructional Program, the university Writing Studio or other university resources.

Appeals

A student/group found responsible through the disciplinary hearing process (an administrative, UJB, or GJB hearing) may appeal the outcome of the hearing. The appeal is not a re-hearing of the case; it is a written statement to the Appellate Board specifically stating the grounds for the appeal and any supporting information. The exclusive grounds upon which an appeal may be made are:

1. New information (available after the hearing) of a nature that the verdict or sanction may have been different;
2. Procedural errors within the hearing process which may have substantially affected the fairness of the hearing; and/or
3. The finding of responsibility was inconsistent with the weight of the information.

A three-person panel of the Appellate Board will review the appeal, the hearing report and any evidence included in the hearing. (In cases of suspension or expulsion, the accused may make a written request in the appeal to meet with the Appellate Board.) The appellate panel may consult in confidence with other members of the university community (or persons brought forth by the student as part of the appeal) in order to substantiate the grounds for appeal or to seek clarification of issues raised in the appeal.

If the grounds for appeal are substantiated, the appellate panel may determine a final resolution to the case or refer the case back to the judicial officer for further review and/or a new hearing. (If the case is referred for a new hearing, the appellate panel may recommend that alternate violations be considered.) A written decision will be delivered to the student and the judicial officer.

Disciplinary Records/Student Status

When students/groups are found responsible for a violation of university policy through an administrative, UJB, or GJB hearing, or accept responsibility through an agreement, the case will be recorded on a student/group's disciplinary record. The record will be maintained by the Office of Judicial Affairs and kept in accordance with FERPA. Individual disciplinary records are kept on file for 8 years from the date of a student's matriculation, except in cases resulting in suspension or expulsion, in which disciplinary records are kept indefinitely.

Status of a Student/Group Pending Final Resolution of a Disciplinary Case

Until a final resolution is determined, the status of a student/group will not change unless interim restrictions have been imposed to protect the health and safety of the student/group or the university community. A student with disciplinary action pending, however, may not participate in commencement exercises until his/her case is resolved.

Failure to Comply with the Requirements of the Disciplinary Process

If any student/group (including a witness) fails to comply with the requirements of the disciplinary process, the judicial officer may commence further disciplinary action, place a disciplinary hold on the student's academic and/or financial records, or suspend privileges. Failure to comply with the requirements of the disciplinary process may include failure to submit a statement, failure to attend a meeting/hearing or failure to fulfill a sanction.

Disciplinary Hold

At any time after the filing of a complaint, the judicial officer or designee, after consulting with a student's academic dean, may place a "disciplinary hold" on the academic and/or financial records of any student pending the outcome of proceedings, to enforce a disciplinary sanction, or to ensure cooperation with the disciplinary system. A "disciplinary hold" may prevent, among other things, registration, enrollment, matriculation, the release of transcripts, and the awarding of a degree.

Disciplinary Action While Civil/Criminal Charges Pending

Students may be accountable to both civil authorities and to the university for acts that violate state or federal laws. Disciplinary action through university processes concurrent with criminal action does not subject a student to "double jeopardy."

The university operates under different policies, procedures and standards and thus, will not be bound by the findings of a court of law. If the court's outcome satisfies the university's interests, such outcome may be recorded on the student's disciplinary record without invoking the university disciplinary process. Should any criminal proceeding result in a felony conviction, as a result of an incident on or off campus, the vice president for Student Affairs reserves the right to summarily dismiss a student.

University disciplinary action will normally proceed during the pendency of a criminal or civil action. If the student chooses not to participate in the university process until final disposition of the case in court, privileges may be suspended or a disciplinary hold may be put on the student's academic and/or financial record until the university case can be resolved.