



SAINT AUGUSTINE'S
UNIVERSITY

Transform. Excel. Lead.

*Saint Augustine's
University
Student Code of
Conduct
and
Judicial Process
Handbook*



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<p>Title IX of the Education Act of 1972 protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. SAU does not discriminate on the basis of sex in the employment, education programs or activities it operates.....</p>	
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Welcome to Saint Augustine's University

Thank you for selecting Saint Augustine's University to further your education! On behalf of the staff of the Vice President for Enrollment Management and Student Services, it is our pleasure to welcome you to the University. The Division of Enrollment Management and Student Services is committed to advancing the integration of the curricular and co-curricular areas of student life while simultaneously supporting the educational mission of the University. The division is also responsible for providing quality support services that are designed to achieve several objectives. They include: anticipating and responding to the changing needs of students while providing a safe, healthy, intellectually changing environment and fostering greater student involvement and enhancing emotional, social, intellectual and career development. If you want to get involved or find a supportive environment, visit the Dean of Men and Dean of Women's office. We hope that we will be able to positively contribute to your education and your success. The experiences and skills you acquire at Saint Augustine's University will have a great impact on the rest of your life.

The Student Code of Conduct is a guide to the standards of conduct required by all Saint Augustine's University students. This manual provides much of the detailed behavioral guidelines university community members are responsible for knowing. The policies included in this manual and published on Saint Augustine's University website supersedes all previously published policies. Read the contents and become familiar with the information; students are responsible for knowing the material in this book. For more information contact the Director of Judicial Affairs in room 201, Hunter Building or at 919.516.4401.

The Student Code of Conduct is included in the Student Handbook which also contains academic policies, financial information, and other policies. Saint Augustine's University reserves the right to change or modify the contents of this document and the statements within as necessary and will provide appropriate notice to the students via the Student Code of Conduct on the Saint Augustine's University website.

The Director for Judicial Affairs is the principal administrator of this document. Students with questions or comments about these policies should consult with the Director of Judicial Affairs.

When working together we can make a difference, when working together we can make a better University. We wish you much success!

In the Falcon spirit,

Student Development and Services

Introduction

The goal of the Saint Augustine's University Student Code of Conduct is to educate students on their rights and responsibilities as college community members. This includes understanding the balance between individual and college rights and to promote a safe and inclusive atmosphere conducive to student success.

Saint Augustine's university claims certain foundational principles of values upon which its entire existence stands. All students at Saint Augustine's University have the duty to observe uphold and accept these value as standards of conduct. These include honor, personal academic integrity respect for personal and property rights of others, justice, freedom, diversity, leadership, civility, spirituality and loyalty of the University.

Key Concepts

Personal accountability—Accepting responsibility for, and answering for one's own behavior, accepting responsibility for one's own learning, and demonstrating academic integrity.

Respect of self and others—valuing the diverse perspectives of others, appreciating others' ideas, and protecting the physical and intellectual property of self and others.

Expectations of Students

Students are expected to:

- Be accountable for information contained in the Saint Augustine's University handbook and Student Code of Conduct, and any other published regulations relating to student responsibilities.
- Be respectful of the rights of others.
- Comply with the verbal and written directions of college officials.
- Respect and comply with all the laws and rights of good citizenship.
- Respect the freedom to teach and the freedom to learn.

Our Goals:

1. Educate students, faculty and staff on issues related to student conduct, responsibilities, and behavioral expectations in the Student Code of Conduct.
2. Protect the rights of students and the college community.
3. Provide fair and impartial review for students charged with violating the college's Student Code of Conduct.
4. Educate students who have violated the Student Code of Conduct by assigning purposeful sanctions that foster learning, ethical development, and personal integrity.
5. Encourage respect for members of the college community.

Desired Outcomes:

1. Students involved in the student conduct process will demonstrate knowledge of the Student Code of Conduct and the rights of others.
2. Students involved in the student conduct process will be able to identify their rights as students.
3. Students involved in the student conduct process will be able to analyze their responsibilities as college community members.

4. Students involved in the student conduct process will demonstrate a greater awareness of their own developing identity.
5. Students found in violation of the Student Code of Conduct will demonstrate insight into their abilities for ethical decision making.
6. Students found in violation of the Student Code of Conduct will be able to predict consequences for their actions.
7. Students found in violation of the Student Code of Conduct will demonstrate a change in their behaviors.

CODE OF CONDUCT AND JUDICIAL PROCESS

Student Code of Conduct

Jurisdiction

Saint Augustine's University (SAU) reserves the right to take necessary and appropriate action to protect the safety and well-being of Saint Augustine's University students, faculty, and staff and University property. The University's jurisdiction in the administration of the Code of Conduct applies to all enrolled part time and full time students while they are on premises owned, rented or leased by Saint Augustine's University, on streets running through or adjacent to the campus, in off-campus facilities occupied by students by virtue of their association with an organization recognized by Saint Augustine's University or while on University-sponsored events. Disciplinary action may be taken against a student for off-campus conduct that seriously threatens the safety and well-being of other Saint Augustine's University students, faculty, or staff or property, as determined by University officials (President, Vice Presidents, administrators, Campus Police, faculty or staff), when the conduct impairs, interferes with, or obstructs any activity or the mission, processes, and functions of the University. In the case of University-sponsored off-campus events, conduct related incidents will be treated as if the event took place on campus and thus are governed by the Student Code of Conduct. A violation of the Code of Conduct may result in criminal or civil charges as well as University judicial action. Unless otherwise provided by law, University judicial and court proceedings may occur concurrently. Students are subject to disciplinary action, up to and including expulsion for violations of the Student Code of Conduct.

Saint Augustine's University students, full and part-time, are expected to adhere to the established Code of Conduct that governs this institution. Should a student engage in any activity, on or off the University campus that results in the filing of criminal charges, a full disclosure of the incident must be made to the Judicial Administrator within 48 hours. Failure to disclose the information may result in additional sanctions being imposed. The Judicial Administrator will determine whether the offense warrants an official Administrative Hearing or one with the Judicial Hearing Board. The office is currently located in 204A Hunter Building.

Amendments to the Student Code of Conduct

The Judicial Board may propose changes to the Student Code of Conduct at any time. In addition, the Judicial Board shall participate in the bi-annual review of the Student Code of Conduct and make recommendations to the Vice President for the Division of Enrollment Management and Student Services regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code. Proposed amendments shall be reviewed by the University Judicial Committee and then submitted to the Vice President for the Division of Enrollment Management and Student Services, who will coordinate an extensive review of the amendments. The review shall include, but not be limited to, consultation with the Student Government Association, the University's legal advisor, and

other appropriate bodies. The Vice President for the Division of Enrollment Management and Student Services submits recommendations to Saint Augustine's University President for action.

Judicial Authority

Ultimate authority for student discipline is vested in the President. The Vice President for the Division of Enrollment Management and Student Services is the person designated by the President to be responsible for the administration of the Student Code of Conduct. Discipline authority may be delegated to University officials and committees as set forth in this Code, in accordance with other University policies, rules, or regulations and as deemed appropriate by the Vice President for the Division of Enrollment Management and Student Services.

Interpretation of Regulations

The Student Code of Conduct is intended to give students general notice of prohibited conduct. The Student Code of Conduct should be read broadly and is not designed to define misconduct in exhaustive terms.

Standards of Due Process

The focus of inquiry in disciplinary proceedings shall determine whether or not the accused student has violated the Student Code of Conduct, as proven by a preponderance of the evidence (which would lead a person to conclude that it is more likely than not that the conduct in question did occur). Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the University may result.

Violations of Law, Disciplinary Regulations and Accountability

Students may be accountable to both civil authorities and to the University for their conduct. When attending Saint Augustine's University, students are expected to obey applicable federal, state and local laws. A student is also expected to obey the rules and regulations in the Student Code of Conduct and other University policies. Disciplinary action at the University will normally proceed despite the pendency of criminal proceedings. Disciplinary action under this Student Code of Conduct is not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Office of the Director of Judicial Affairs

The Office of the Director of Judicial Affairs is appointed by the Vice President for the Division of Enrollment Management and Student Services and is responsible for the administration of Saint Augustine's University Judicial System. The Office of the Director of Judicial Affairs is not a voting member of the Judicial Board. During hearings, the Director of Judicial Affairs may answer questions that arise or provide expert advice on procedural matters for the purpose of clarity on issues relevant to the Code. The Office of the Director of Judicial Affairs may

adjudicate any case, provided the complainant and the accused student agree to the adjudication. In addition, the Office of the Director of Judicial Affairs is responsible for having notice of complaints or charges served, scheduling hearings, maintaining files and/or records of judicial matters and maintaining order at hearings of the Judicial Board. The Office of the Director of Judicial Affairs, after receiving the Board's recommendations, will review the related hearing records and write the final official University decision. The Office of the Director of Judicial Affairs may also refer notice and/or evidence of any act, which allegedly violates federal, state, or local laws to appropriate law enforcement or civic authorities. The Chief of Campus Police shall inform the Vice President for the Division of Enrollment Management and Student Services of the referral of any student for an alleged violation of any federal, state or local law.

Procedures for Filing Complaints

Any member of the University community may file a written complaint against a student for violation of the Student Code of Conduct. The complaint shall be filed with the Office of the Judicial Administrator, using the prepared Judicial Complaint Form. The complaint shall contain the following information:

- The name and address of the person filing the complaint, the name and address of the student against whom the complaint is filed, and the date on which the complaint was filed
- A short, clear statement of the conduct that is at issue with an explanation as to how that conduct violates the Student Code of Conduct; to the extent available, this statement should include the date, time, place of the conduct at issue, and the names of any witness who may have observed the conduct
- A request for judgment or the relief desired, if any; and, In more egregious matters, a written complaint and charges shall be filed with the Campus Police. Campus Police will investigate, and if warranted at their discretion, pursue the matter either judicially and/or criminally.

Notification of Complaint(s)

A copy of the complaint shall be served in person or by certified mail upon each accused student by an appropriate University administrator or official, as expeditiously as possible, usually within seven (7) days, to include Saturday and Sunday, after the complaint is received by the Judicial Administrator. A written record shall be made of the fact and date of service.

Mediation

This procedure is implemented by the Office of Enrollment Management and Student Services, Judicial Administrator, or his or her delegate and is generally reserved for first and less serious violations. It is employed when a violation arises out of a dispute between a charged student and another party or parties. The goal is to design a mechanism to resolve the dispute and to prevent it from reoccurring. In cases where expulsion or suspension from the University is not contemplated as a sanction, and where there are no pending charges in any criminal court, the parties involved in an alleged violation of the Code of Conduct may agree to enter into a formal

mediation process through the Office of Campus Mediation Services. (In cases where there is no agreement among the parties about seeking mediation, formal disciplinary procedures will be employed.) The results of a mediation conference do not become part of a student's official disciplinary record, but a record is kept of the findings and agreements reached. If the mediation agreement is violated judicial proceedings will be initiated by the Judicial Administrator.

Investigation and Adjudication by the Judicial Administrator

The Judicial Administrator may conduct an investigation to determine if the complaint has any merit and/or to determine if it can be resolved administratively by the written mutual consent of the parties involved on a basis acceptable to the Judicial Administrator. Such disposition is final, and there are no subsequent proceedings. If the complaint cannot be resolved by mutual consent, the case shall be presented to the Judicial Board for a hearing. Complaints involving criminal violations will be given to Campus Police for an investigation and processing

Proceedings before the Judicial Board

In all cases where the Judicial Board considers if a student's conduct has violated the Code, a quorum of five (5) members must be present. To find an accused student responsible or not responsible, following deliberations, the Judicial Board members will vote (the Judicial Administrator does not vote). A simple majority of the members present shall be required to find an accused student responsible of Code violations. The board will send final determination to Director of Judicial Affairs. The Director will submit the board's sanction to Vice President of Enrollment Management.

Conducting a Hearing

The Director of Judicial Affairs is responsible for conducting the hearing and controlling the order of proceedings. All persons involved in a hearing are expected to maintain the confidentiality of information disclosed during the hearing. All hearings shall be closed unless designated by the chairperson. In all proceedings, under the Student Code of Conduct, the accused student is presumed innocent until a violation of the Student Code of Conduct is proved by a preponderance of the evidence. The burden of proof rests on the complainant. The accused student and the complainant may attend the Judicial Board hearing, either in person or by telephone. The accused student and complainant may present his or her version of the facts through oral and written statements, including those of witnesses, and may hear all evidence presented.

Closed Hearings

All hearings are closed to anyone other than those persons directly involved (the complainant, the accused, advisors, and witnesses), unless the Judicial Administrator determines otherwise.

Burden of Proof

The complainant has the burden of proof to establish responsibility (by a preponderance of the evidence) of the accused. The accused should be prepared to respond to charges and evidence presented against him/her with documents and/or witnesses, as appropriate.

Advisor

The accused student and complainant may be assisted at the hearing by an advisor of his/her choice. Except in cases where the accused student is subject to pending criminal charges, which arise from the same conduct for which the Student Code of Conduct complaint is filed, only non-lawyer members of the University community are eligible to serve as an advisor. In cases where the accused student is subject to pending criminal charges, the accused student may consult with his or her lawyer in order to safeguard the student's Fifth Amendment right against self-incrimination. In all cases, the advisor (or lawyer as permitted above) plays a limited role and will not be permitted to present evidence, testimony or argument, cross-examine witnesses, nor in any way interfere with the proceedings. The advisor may not be a witness or a charged student in the same alleged misconduct/incident. The advisor may address the Judicial Board only at the request of the Judicial Board or the Judicial Administrator. Persons and representatives who participate in disciplinary hearings shall not:

1. Engage in conduct to disrupt a hearing
2. Attempt to improperly influence the Judicial Administrator, or any member of a judicial board
3. Fail to obey a reasonably definite and specific order by a presiding officer
4. Knowingly offer false evidence, falsify evidence, counsel or induce witnesses to testify falsely, or offer improper inducements to testify. Representatives found responsible for violations of the provisions of this section of the Code may be suspended from the privilege of representation.

Witnesses

The accused and complainant may call all persons with direct knowledge of the incident to appear as witnesses. However, the Judicial Board may limit the number of witnesses, when it is apparent that all witnesses are giving the same testimony. Persons accused of the same violation of the Code may appear as witnesses for each other. Those persons attesting to character, alone, are not allowed to serve as witnesses. Character witnesses may give statements as to the character of accused students, after the Judicial Board has heard testimony relevant to the hearing.

Evidence

The technical rules of evidence do not apply in Judicial Board hearings. The Judicial Board may consider any evidence, including hearsay evidence that it determines is probative, relevant or material to the case. It may exclude evidence that is irrelevant, immaterial or repetitious. In the

absence of the investigating officer, any member of the Campus Police may present a case on behalf of the University.

Postponement of Judicial Hearings

A one-time request for postponement by either the accused student or the complainant may be granted when the Judicial Administrator determines that there is a compelling reason for the delay. The Judicial Administrator will set a new date for the hearing and notify all parties involved in writing. Further requests for postponement do not have to be considered and a hearing may be held in the absence of the accused student or complainant.

Consolidation of Cases

In situations in which a student has more than one judicial hearing pending, the cases may be consolidated at the discretion of the Judicial Board and considered together at a single hearing.

Record of Hearings and Decisions

A tape recording will be made of each hearing. If a recording malfunction occurs, the Board shall include a summary of the testimony sufficiently detailed to permit review on appeal. All records of the hearing, including evidence presented, are the property of Saint Augustine's University and may be disclosed as permitted by law.

Copy of Judicial Proceedings

An accused student may obtain a copy of the taped proceedings for a fee. Forms can be obtained from the Office of the Judicial Administrator. Cash is not acceptable, checks or money orders are to be made payable to Saint Augustine's University. Once the form and the designated payment are presented to the office, it will take 5-7 business days for the tapes to be copied.

As permitted by law, the charged student(s) and complainant(s) may have reasonable access to all of the relevant case records that are maintained by the Judicial Administrator, prior to the hearing. The records and/or documents prepared by the Judicial Administrator and submitted during the hearing, as well as the statements given, will constitute the record of the Board or the Judicial Administrator.

Disciplinary Files and Records

The Judicial Administrator shall maintain judicial records and a disciplinary tracking system, which shall include, but not be limited to, the accused student's name and related information, description of the incident, parties involved, Code violations, sanctions and other data deemed relevant by the Judicial Administrator. Such information shall be maintained in accordance with the provisions of the Federal Educational Rights and Privacy Act. Disciplinary records shall be made available to judicial bodies and University officials designated in the Code, as necessary.

Students may arrange to review their own disciplinary records by contacting the Office of the Vice President for the Division of Enrollment Management and Student Services. Except as provided in the Student Code or pursuant to a lawfully issued subpoena, the University shall not communicate a student's disciplinary record and related information to any person or agency without the prior written consent of the student.

Upon graduation, the student's confidential record may be expunged of disciplinary actions, other than Disciplinary Suspension or Dismissal, upon application to the Vice President for the Division of Enrollment Management and Student Services. Otherwise, the confidential record will be retained for a period of seven years after the student's date of graduation. Cases involving Disciplinary Suspension or Dismissal will be retained permanently and may only be expunged upon successful application to the Vice President for the Division of Enrollment Management and Student Services.

Entering a Plea

It is important that the accused have an understanding of the judicial proceedings, before entering his/her plea. During the hearing process, the accused will be asked to enter his/her plea as "Responsible," or "Not Responsible." Entering a plea of "Responsible," the accused waives his/her right to present testimony in defense of the charges. Waiving his/her right to a hearing does not mean that the accused will receive more lenient discipline. The accused will be disciplined in accordance with the Code of Conduct, including but not limited to suspension and/or expulsion from the University. In waiving his/her right to a hearing, the accused will have an opportunity to present an oral statement to the Board, regarding factors that mitigate disciplinary action. After reading the charges, the accused will be asked to enter a plea. Upon entering the plea of "responsible," the Board will ask the accused for final statements and hear from character witnesses. Following the statements from character witnesses, the accused will be dismissed from the proceedings while the Board deliberates to determine the appropriate sanction(s). Entering a plea of "Not Responsible," the accused along with the complainant, as provided in the Code, may give testimony and question witnesses. After hearing all witnesses, including character witnesses, the Board will ask the accused and complainant for final statements. Following the statements, the accused, complainant and witnesses will be dismissed from the proceedings (but shall remain in the immediate area of the hearing, should the Board decide to recall someone to clarify a point of testimony) while the Board deliberates. The accused and complainant will receive written notification of the sanction(s) as provided in the Code.

Waiver of the Right to a Campus Hearing

All charged students have a right to a judicial hearing, before the Judicial Board to determine whether they are responsible or not responsible of the charge(s) filed. Charged students also have a right to waive their right to a judicial hearing and plead responsible, by completing the "Waiver of the Right to a Campus Hearing" form. Students, who waive their right to a hearing and plead

responsible, will be disciplined in accordance with the Code of Conduct, including but not limited to suspension and/or expulsion from the University. Waiving the right to a hearing and pleading responsible does not mean that a student will receive a more lenient discipline.

Complainant and Victim Rights

The complainant/victim is entitled to:

1. An advocate present during the hearing process
2. A timely hearing;
3. Be present during the entire hearing
4. In the event the case involves a sexual violation, the victim has the right to have her/his sexual history kept private.

Rights of the Accused

The accused is entitled to:

1. Be presumed innocent until proven responsible
2. Be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time, and place for the hearing, the Board may proceed with the case and make its findings in the student's absence
3. Be provided, prior to the hearing, with the names of witnesses whom the Judicial Administrator has asked to appear at the hearing
4. Question witnesses in accordance with the rules
5. Present evidence in accordance with the rules
6. Remain silent or testify during the formal hearing (Silence will not be used against the accused in any way)
7. Know that a written (taped) record of the hearing is being maintained
8. Know that the hearing is closed;
9. Accept or deny responsibility to the charges
10. The right to consult with counsel of choice
11. The right to appeal a sanction(s) rendered by the Judicial Board, or the Judicial Administrator, under the provisions for filing appeals,
12. A decision by the Board based solely on a preponderance of the evidence presented during the hearing.

Following the Hearing

After deliberating, the Board will promptly notify the Judicial Administrator, in writing, of its findings as to whether the accused student violated the Student Code of Conduct. The Board may take into consideration prior findings of Code violations when determining sanctions. The Judicial Board will recommend disciplinary action for any violations of the Code to the Judicial Administrator. The Judicial Administrator, after receiving the Board's recommendations, will review the related hearing records, and write the final and official University decision. The Judicial Administrator will notify the accused student within three (3) days (to include Saturday and Sunday) in writing of his/her final decision, including any findings as to whether the accused student violated the student Code of Conduct and any disciplinary action imposed. The Judicial Administrator's decision will be delivered by a member of the Campus Police. Information about the Judicial Administrator's final decision and any disciplinary action taken may be disclosed to the complainant and to third parties, as permitted by law.

Notice to the Registrar

The Vice President for the Division of Enrollment Management and Student Services shall notify the Office of the Registrar, and other appropriate administrative offices, if a judicial finding results in a sanction, restricting a student from being enrolled at the University, withholding grades, official transcripts or a degree, during the period in which the sanction is imposed.

Self-incrimination

All parties giving testimony (accused, witnesses, and/or complainant) before the Board are advised that self-incriminating testimony (admitting to or acknowledging a crime or a violation of the Code) can be used to file charges against them at a later date.

Absence of the Student Charged

If the accused student does not appear (personally or by telephone) without satisfactory explanation of the absence, or should the accused student leave a hearing that has already commenced, the hearing shall proceed without the accused student, and the Judicial Board may render a decision, based upon the available evidence, and forward it to the Judicial Administrator.

ADMINISTRATIVE PROCEDURES

Practices and Procedures

The rules of Practice and Procedure are general guidelines to be utilized by the Judicial Board. Said rules are not subject to amendment without the approval of the Vice President for the Division of Enrollment Management and Student Services. However, the Judicial Administrator may include such additional guidelines that will amplify or clarify these rules, or that facilitate their implementation, provided that such guidelines do not deny the guarantee of due process specified or explicit in these Rules. Such guidelines shall be stated in writing by the Judicial Administrator.

Subject to prompt review, the President, or her/ her designee, may summarily suspend a student from the University for a period of up to five (5) business days, when in his or her judgment, such action is to protect the safety and well-being of the University, University property, and/or any member of the University community. When a summary suspension is imposed, a Judicial Board hearing will be convened by the fifth -working day of the suspension, to determine whether the suspended student violated the Student Code of Conduct and, if so, to determine whether to discipline the student for the violation. If the suspended student seeks a postponement of the hearing date and the request for a postponement is granted, the suspension will remain in effect until the new hearing date. A summary suspension requires that a student immediately leave the campus. During the summary suspension, students shall be denied access to the residence halls, all campus facilities, and University classes, on or off campus University activities or privileges for which the student might otherwise be eligible. Should a student return to campus during the summary suspension period, or engage in a University sponsored activity/event, without written permission from the Vice President for the Division of Enrollment Management and Student Services, he/she shall be cited for trespass and shall be subject to further disciplinary action, arrest, and/or criminal prosecution. Until and unless a student, who was summarily suspended, is found to have violated the Student Code of Conduct after a hearing, his or her status as a student of Saint Augustine's University shall not be altered. If the suspension is not upheld after the Judicial Board hearing process, the student who was summarily suspended will be excused from classes that were missed because of the suspension, and allowed a reasonable time to make-up academic work that was missed or impacted by the suspension.

Appeals Process

Any student or person who has received a determination from the campus (Judicial) Hearing Board can appeal the decision. The student must appeal on at least one of four separate grounds. It is essential that the student describe in detail his/her arguments with respect to the grounds for appeal.

The grounds for appeal are listed below:

- Procedural irregularity

- Mitigating circumstances
- Undue severity of sanction
- New Evidence

To file an appeal, the student must deliver to the Judicial Administrator a typed letter addressed to the Vice President for Division of Enrollment Management and Student Services within three (3) business days subsequent to receiving notice of the outcome from the Judicial Administrator. The letter should be concise regarding reasons for the appeal. This letter will be forwarded by the Judicial Administrator to the Vice President with a suggestion on acceptability. The Vice President for the Division of Enrollment Management and Student Services will review the notice of charges, the appeal letter, the hearing record and the Judicial Administrator's recommendation and will then determine whether the appeal meets the required criteria to be heard by the appointed Appeals Board. Should the appeal meet the criteria, the Appeals Board will review the case and render a decision. Failure to appeal within the allotted time will render the original decision final.

The decision rendered may be:

- Deny the appeal
- Affirm the decision
- Affirm the decision, but amend the sanction
- Vacate (overturn) the decision and order a new hearing with the same hearing board or a new hearing board.

A decision will be rendered within five (5) days of the Appeals Board receiving the necessary documentation.

Summer School

The University's judicial process during summer school sessions shall function in each instance in the same manner as authorized for the regular school year. Temporary Judicial Board members may be drafted for summer hearings. The incumbent Student Government Association administration may recommend student representatives, from qualified students who are enrolled in summer school. The authority of the summer school judiciary commences with the opening of the summer school session. Faculty representatives will be appointed from the summer school faculty. Appeals shall be handled in the same manner as prescribed during the regular school year.

Judicial Suspensions, Expulsions, and Refunds

Students who are suspended or expelled from the University for disciplinary reasons shall not be entitled to any refund of tuition or fees. Similarly, students whose housing or boarding contracts are terminated for disciplinary reasons shall not be eligible for refunds.

Procedures for Readmission Following Judicial Suspension

Students who are suspended must apply to the Judicial Administrator in writing for readmission after the period of suspension. Request for Readmission forms can be obtained from the Office of the Registrar and must accompany the written request for readmission. All conditions/sanctions associated with a judicial suspension, must be satisfied prior to making the request for readmission. A suspended student will be considered for readmission only after filing the Request for Readmission Form, with all supporting documents, i.e., (medical clearance form/release, etc).

Official Withdrawal from the University

Should an accused student be academically dismissed or leave the University voluntarily, before pending disciplinary charges have been resolved, the Judicial Administrator may proceed at his discretion with the judicial process (case) in the absence of the student as outlined in the Code. An accused student, who withdraws from the University with a case pending, will not be readmitted to the University, until such time as his or her case has been judicially processed and resolved. The Judicial Administrator will place a disciplinary hold (academic flag) on the student's record, which will prevent reinstatement (selection of classes and registration) of that student until the case has been adjudicated.

Search and Seizure Policy

Authorized University employees may search premises occupied by students and their personal possessions with prior authorization from the Vice President for the Division of Enrollment Management and Student Services, or his designee. The Vice President, or his designee, will authorize a search only upon a showing of reasonable grounds to believe that the search will reveal evidence of a Code of Conduct violation. Employees who need to enter a room during the performance of their duties will knock and identify themselves. If there is no response, a pass key will be used to enter the room. For purposes of this provision, premises occupied by students include, but are not limited to, University owned or controlled property and residences, student vehicles, personal property, backpacks, workstations, or any other space occupied by a student on a University sponsored trip or activity. Contraband items, for example, those prohibited by law or University policy, in clear view may be confiscated by the University employee and used as evidence in a disciplinary proceeding. Such items will not be returned to students.

Prohibited Conduct

The following conduct is prohibited by Saint Augustine's University and subject to disciplinary action in accordance with the Student Code of Conduct. Attempts to commit acts prohibited by this Code shall be punished to the same extent as completed acts. Students and student organizations are responsible for the conduct of their guest(s) on, or in University property and at functions sponsored by the University, and may be disciplined for a guest's violation of this Student Code of Conduct. Pursuant to the University's parental notification policy, parents or guardians will be notified when students under the age of eighteen (18) receive disciplinary sanctions for abuse and/or misuse of alcohol, and drugs, or for arrest.

1. Tampering with Safety Equipment Tampering with safety equipment, i.e., fire extinguishers, blue light safety telephones, detection equipment, or the inappropriate use of or possession of safety equipment on property owned or controlled by the University.

2. Tampering with University Equipment Tampering with and/or disabling any security camera, elevator, wiring, plumbing, telephone or computer line or system, or other University equipment so as to endanger oneself or others.

3. Computer Misuse and Dishonesty The University considers any misuse of its computer systems to be a serious offense. A student may not attempt to degrade the performance of the computer systems, to seek to penetrate its security, or in any way deprive other users of resources or access to the computer systems. Violations may include, but are not limited to, (a) using a computer account belonging to another individual without the permission of that individual; (b) tampering with the operation of the University's computer systems including both equipment and programs; (c) using the systems for commercial or other unauthorized purposes; (d) inspecting, modifying or copying programs or data without authorization from the owner; and (e) using the University's computer systems to send abusive, obscene, or harassing communications.

4. Rioting, Breach of the Peace

Any student convicted in any state or federal court, or found responsible by a preponderance of the evidence, during a judicial hearing, of rioting, assault, theft, vandalism, arson, or breach of the peace, providing such misconduct was related directly or indirectly to University sponsored activities, including athletic events, will be suspended or expelled from the University.

5. Forgery, Fraud, and Dishonesty

Student may not knowingly provide false or misleading identification or information, written or oral, in a manner which has the intent or effect of deceiving authorized University personnel, including members of judicial hearing panels; knowingly making false charges under the Judicial Code or of altering or falsifying official institutional records. Misrepresentation of oneself or of an organization will also be considered a violation of this section.

6. Discriminatory Conduct

Engaging in acts of violence, verbal or physical behavior directed at an individual or group that has as its purpose subordination based on race, color, creed, disability, marital status, national origin, sex or sexual orientation; creation of an intimidating or demeaning environment that

impedes health, safety or access of other students, faculty and staff to the educational benefits available from or through the University is prohibited. If anyone feels that he/she has been discriminated against by a student, or a faculty or staff member, he/she should contact the Office of Human Resources.

7. Violence to Persons

The University will not tolerate acts of violence to other persons by individuals or groups. Acts of violence include, but are not limited to assault, battery, and/or actions in reckless disregard of human life and safety. Assault includes, but is not limited to, verbal or written acts which place a person in personal fear or which have the effect of harassing or intimidating a person. Battery includes, but is not limited to, fighting and/or the unauthorized touching of another person.

8. Theft, Vandalism, Destruction and Abuse of Property

The University will hold students responsible for conduct that causes or attempts to cause damage, abuse, or theft of University property or property belonging to members of the University community. Students found to have violated this provision may be required to make restitution for any loss of property, in addition to other sanctions which might be imposed.

9. Non-Compliance

A student may be disciplined for:

- a. Willfully failing to comply with a proper order or summons when requested by authorized University officials
- b. Willfully failing to comply with instructions of University officials acting in performance of their duties
- c. Willfully failing to appear before a disciplinary committee upon request
- d. Failure to provide student identification upon request
- e. Failure to abide by or comply with University policies and procedures
- f. Failure to comply with the housing/residence life contract or
- g. Failure to comply with an ordered sanction.

10. Abuse of the Judicial System

Abusing the judicial system includes but is not limited to:

- a. Failure to obey the summons of the Judicial Board or University Official
- b. Falsification, distortion, or misrepresentation of information before a Judicial Board
- c. Disruption or interference with the orderly conduct of a judicial proceeding
- d. Attempting to discourage an individual's proper participation in, or use of, the judicial system
- e. Attempting to influence the impartiality of a member of the Judicial Board prior to, and/or during, and/or after a judicial proceeding

- f. Harassment (verbal or physical) and/or intimidation of a member of the Judicial Board prior to, and/or during, and/or after a judicial proceeding
- g. Failure to comply with imposed sanction(s) or,
- h. Influencing or attempting to influence another person to commit an abuse of the judicial system.

11. Disruptive, Disorderly, or Reckless Conduct

Disruptive, disorderly, or reckless conduct includes indecent exposure, lewd behavior, bomb threats, false fire alarms, and other actions which disrupt normal University functions, activities, and processes of the University community. When disorderly or disruptive conduct occurs in class, a faculty member may file a complaint of misconduct with the Judicial Administrator, and after a hearing, if that complaint is upheld the student may be administratively withdrawn, and may then appeal.

Disruptive, disorderly, or reckless conduct includes, but is not limited to the following:

- a. Threats, physical abuse, harassment, or hazing which threatens or endangers the health, safety, or welfare of a member of the University community
- b. Fighting or physically assaulting another person or recklessly causing physical harm or causing reasonable apprehension of such harm
- c. Obstructing or disrupting teaching, research, administrative and public service functions
- d. Obstructing or disrupting disciplinary proceedings or other authorized University activities
- e. Intentional participation in campus demonstrations which disrupt the normal operations of the University and infringe on the rights of other members of the University community;
- f. Leading or inciting others to disrupt scheduled and/or normal activity in any campus area, causing infringement on the rights of members of the University community; or,
- g. Trespass or unauthorized entry to any University premises, facility, property, or at a University-sponsored event or activity.

12. Possession of Dangerous Weapons, Firearms, or Explosives on Campus Except for authorized use by law enforcement agencies and officials, the possession or use of dangerous weapons, firearms, or explosives is prohibited on University property. Prohibited weapons are those listed in the North Carolina Code, including, but not limited to the following: BB guns, martial arts weapons, brass or metal knuckles, stun guns, pellet guns, rifles, air/gas guns, laser pointers, hand guns and multiple firing weapons, knives, straight razors, or any sharp pointed or edged instrument (e.g., box cutters) and chemicals such as tear gas, any incendiary devices, biological agents, grenade, mine or powerful explosives, and ammunition.

13. Violations of Residence Life and Housing/Rules and Regulations

Any violation of Residence Life and Housing/Rules and Regulations is subject to discipline under this Student Code of Conduct.

14. Cellular Telephone and Pagers in the Classroom

The use of cellular phones and pagers is expressly prohibited in academic classrooms and laboratories. All such telephones and pagers, audible or silent, must be kept in the "Off" position while students attend classes. Students in non-compliance may be asked to leave the classroom immediately upon discovery of phone and/or pager use.

15. Ticket Scalping Selling tickets to University functions or events for a price in excess of the price printed on the ticket is prohibited.

16. Contracts Students as individuals or representatives of student organizations are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability for the University. In such instances, the University will hold the student individually, and/or the student organization, liable for the financial or legal consequences or damages that may result from such unauthorized actions.

17. Possession of Stolen Property Knowingly possessing property that may be identified as being stolen from the University or from any other person is prohibited.

18. Obstruction of the free flow of pedestrian or vehicular traffic Blocking, impeding, or causing a restriction to the free flow of pedestrian or vehicular traffic on University premises, or at University sponsored or supervised events is prohibited.

19. Forcible Entry Breaking and entering into any building, structure, or facility on University premises is prohibited.

20. Littering, Throwing Objects out of Windows The inappropriate disposal of refuse, including ejecting or dropping any object from windows in residence halls or balconies or other University buildings or vehicles is prohibited.

21. Falsely Reporting Fires Falsely reporting fires or other emergencies, falsely setting off fire alarms or tampering with fire equipment is prohibited (Residence Hall regulations).

22. Arson The malicious or fraudulent burning of property, creating fires, open flames, and/or lighting flammable materials in a building or facility on University premises.

23. Disregard of Fire or Evacuation Alarm Signals

The disregard of fire alarm signals or refusal to evacuate a building or a section of a building when a fire or evacuation alarm is sounding is prohibited.

24. Harassment

Engaging in intentional conduct directed at a specific person or persons which seriously alarms or intimidates such person or persons and which serves no legitimate purpose will not be tolerated. Such conduct may include: explicit or implicit threats, including gestures which place a person in reasonable fear of unwelcome physical contact, harm, or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person which are by common usage lewd, obscene, expose a person to public hatred, or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by voice or graphic means, or making a telephone call, anonymously, whether or not a conversation ensues.

25. Sexual Harassment

For the purpose of this Policy, the University adopts the sexual harassment definitions promulgated by the Equal Employment Opportunity Commission (EEOC) and the Office of Civil Rights (OCR) of the United States Department of Education. Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when [VI-1.20 (B) - Saint Augustine's University guidelines and policies prohibiting sexual harassment and campus procedures and policies for filing complaints as approved by the president]:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by the University or an individual's participation in a program; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
- C. Such conduct by an employee, by a student, or by a third party is sufficiently severe, persistent, or pervasive to:
 - 1. Limit an individual's ability to participate in or benefit from an educational program or activity;
 - 2. Create a hostile or abusive educational environment; or
 - 3. Have the purpose or effect of unreasonably interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment at the University.

Sexual harassment is unwelcome conduct of a sexual nature. Sexual assault and requests for sexual favors that affect educational or employment decisions constitute sexual harassment. Sexual harassment may also consist of unwelcome physical contact, requests for sexual favors, and visual displays of degrading sexual images, sexually suggestive conduct, or remarks of a sexual nature. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal (including print or electronic communication) or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or admission to or participation in an academic program or College-sponsored activity; or
2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment status or academic standing; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance on the job or in the classroom; or
4. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or study environment for an individual or group of individuals.

Sexual harassment can occur regardless of the relationship, position or respective sex of the parties, same sex harassment violates this policy. Harassment because of one's actual or perceived sexual orientation also constitutes a violation of this policy. Violation of this policy also includes harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

26. Intimate partner violence, Also referred to as Domestic Violence or Dating Violence.

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse used to control a partner in an intimate relationship constitute intimate partner violence. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional/romantic and/or physical intimacy.

Stalking as mentioned in the definitions for gender-based misconduct. Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact - including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

27. Sexual Assault

Saint Augustine's University defines sexual assault as any non-consensual, intentional physical contact of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks, or breasts, or any form of sexual intercourse without consent. Rape is a form of sexual assault. Sexual assault occurs when the act (non-consensual sexual contact or non-consensual sexual intercourse) is committed by: a) physical force, violence, threat, or intimidation; b) ignoring the objections or without the consent of another person; c) causing another's intoxication or impairment through the use of alcohol or other drugs; and/or d) taking advantage of another person's incapacitation (whether by alcohol or drug use, disability, unconsciousness or is otherwise helpless) which renders them unable to give consent. Sexual Assault can also be defined as unwanted sex by a stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness, of which the accused is aware or should have been aware.

Students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

Sexual Exploitation Non-consensual sexual abuse or exploitation of another, such behavior that does not otherwise constitute another specifically defined behavior. Examples of sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce or share images of a sexual nature without consent of parties involved, public indecency or exposing genitals to others without consent, or engaging in 'peeping' (observing another when privacy would be reasonably expected) without consent.

Consent The presence of consent involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals each willingly and knowingly engage in sexual activity. Consent cannot be obtained through the use of coercion. In instances of sexual assault, coercion is the use of pressure, manipulation, substances force and disregarding objections of another party to engage in sexual activity. The presence of consent must be

identified (Consent must be clearly and unambiguously communicated.) The absence of "No" is not a "Yes."

The use of alcohol or other drugs can lower inhibitions and influence whether a reasonable person would believe that another is able to provide consent for sexual activity. One who is

Incapacitated (whether by alcohol or drug use, disability, unconsciousness, or is otherwise helpless) cannot consent to sexual activity.

Consensual Relationships and Sexual Harassment Actual or apparent authority that employees may have over a student is a strong factor in finding that certain types of conduct constitute sexual harassment. This can be so even if a student has accepted the conduct, does not show signs of being harassed, or fails to file a complaint of harassment.

Consistent with the College's policy on sexual harassment, consensual relationships are deemed sexual harassment when they are found to compromise the educational mission of the College. Complaints of sexual harassment of students, including alleged consensual relationships, will be carefully evaluated in the context of the unique relationship and responsibility that faculty, administrators and other College employees have to students or employees.

Title IX Statement

Title IX of the Education Act of 1972 protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. SAU does not discriminate on the basis of sex in the employment, education programs or activities it operates.

Saint Augustine's University is committed to providing an environment free from discrimination based on sex and provides a number of resources and services to assist students, faculty and staff in addressing issues involving sex discrimination, including sexual violence.

Sexual violence, sexual harassment, stalking and relationship violence have a profound impact on a victim's academic, social, working, and personal life, and negatively affects victims' friends and families, other students, co-workers, and members of the university

community. To combat this complex social problem, SAU provides a variety of resources and educational programs designed to prevent sexual violence and other acts of sexual misconduct, including sexual harassment, provide information about what to do when an incident has occurred, and increase awareness of campus and community resources for support and response.

Victims of sexual violence, sexual harassment, and stalking and relationship violence are encouraged to seek support and report the incident. SAU has appointed a Title IX Coordinator to oversee SAU response to Title IX complaints, develop training and education programs/materials for faculty, staff and students.

28. Smoking

Pursuant to State law, smoking is prohibited in all buildings, including residence halls. Further, it should be noted, Saint Augustine's University is a smoke free institution. Thus smoking on the campus is forbidding.

29. Identity Theft

Violations include, but are not limited to knowingly and willfully assuming and using personal identifying information, without the consent of said owner, for the purpose of misrepresenting oneself; using, selling, or transferring that information to obtain any benefits, credit, goods, services or other items of value in the name of said owner, is a violation of this Code.

30. Retaliation

Harassment of complainant or other person(s) alleging misconduct, including but not limited to intimidation, threats or unwanted physical contact.

31. Violating the Terms of a Sanction

Violating the terms of any disciplinary sanction imposed (including failing to meet deadlines and/or committing a violation of University rules while serving a probationary sanction) in accordance with the Student Code of Conduct will be grounds for further action under the Code.

32. Stalking

Any repeated conduct directed specifically at another person that causes that person to fear for his or her safety. Such conduct includes, but is not limited to: telephone calls, following another person, and acts that threaten or intimidate another person through fear of bodily injury or death. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety of others; (B) suffer emotional distress.

33. Harboring

Knowingly harboring or transporting a fugitive from justice, or any individual who has been officially barred (suspended or expelled) from the University or University sponsored activities, or for whom there is an outstanding warrant, is prohibited.

34. Illegal Gambling or Wagering

Gambling or wagering in any form is not permitted on the University premises.

35. Misuse of Keys

Duplication or misuse of University keys or other access devices is a violation of the Code that's including the use of a University key that not assigned to the student to gain entry to any University property, student room or office.

36. Violation of Criminal Codes of the Local, State or Federal Governments

Actions or activities, on or off-campus, that violate criminal law, also violate the Student Code of Conduct and are subject to judicial action.

37. Hazing

North Carolina Hazing Law

CHAPTER 14. CRIMINAL LAW

SUBCHAPTER 03. OFFENSES AGAINST THE PERSON

ARTICLE 9. HAZING

N.C. Gen. Stat. A§ 14-35 (2007)

A§ 14-35. Hazing; definition and punishment

It is unlawful for any student in attendance at any university, University, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a Class 2 misdemeanour. HISTORY: 1913, c. 169, ss. 1, 2, 3, 4; C.S., s. 4217; 1969, c. 1224, s. 1; 1993, c. 539, s. 19; 1994, Ex. Sess., c. 24, s. 14(c); 2003-299, s. 1.

Hazing, in any form, is a violation of both the National Pan Hellenic Board (NPHC) and Saint Augustine's University Hazing Policy.

- a. No member of the University community shall participate in the hazing of another.
- b. No member of the University community shall knowingly permit the hazing of any person.
- c. No member of the University community shall fail to report hazing.

38. Drugs

Saint Augustine's University has ***zero tolerance*** for the possession, use, distribution and/or sale of illegal, synthetic or counterfeit substances or the misuse of prescription drugs is illegal. Student involvement in illicit use, possession, distribution or sale of narcotics, amphetamines, barbiturates, marijuana or any other harmful or hallucinogenic drug or the misuse of prescription drugs is prohibited. Student involvement in such matters is of university concern whether it occurs on or off campus and irrespective of any action or inaction by civil authorities. Whenever such student involvement comes to the attention of the university, the circumstances will render the student subject to disciplinary action.

The full professional resources of the Counseling and Psychological Services (CAPS), Gordon Health Center and all other student personnel services are available to assist any student to meet problems related to involvement with drugs. The university strongly urges that full advantage be taken of these services.

Specific information regarding prevailing law may be obtained from the Wake County District Attorney, 8th Floor, Wake County Courthouse, Raleigh, North Carolina, telephone (919) 792-5000, fax (919) 792-5003.

Any Saint Augustine's University student caught involved in any of the above drug actions will be immediately suspended or expelled from the University.

