

# Student Affairs

Student Affairs encompasses organized programs, activities and services outside the classroom that support students in a formal way or involve student participation. Student Affairs includes: Transition & Leadership Programs, Residential Education, Housing Operations, University Dining Services, Student Activities and Integrative Learning, The Intercultural Center and Multicultural Student Programs, Campus Recreation, Student Health & Counseling Center, University Police & Public Safety, and Special Programs.

## Mission Statement

The UNC Asheville Division of Student Affairs develops and implements programs and services that foster an inclusive, nurturing, and challenging community in which all students have the opportunity to engage in integrated and transformative learning which prepares them to be productive citizens of a global society and develop a lifelong commitment to learning and personal wellness. Students are encouraged to take ownership of their personal and intellectual development and be accountable to themselves, each other, and the community by achieving the following goals:

- Students persist and achieve academically
- Students communicate effectively
- Students appreciate and respect diversity
- Students promote and practice wellness
- Students solve problems creatively
- Students lead with integrity
- Students serve the local and global community
- Students live life with passion and compassion

## 1. Transition and Leadership Programs

The Transition and Leadership Programs Department at UNC Asheville is designed to provide incoming students, and their families, with a set of common shared experiences and information, to set the tone for student academic success, personal growth, leadership development, student responsibility, and meaningful connections. By intentionally engaging students in interactive and diverse opportunities, Transition and Leadership Programs is dedicated to facilitating the students' transition to university life and their development as leaders. Transition & Leadership Programs include the following:

### New Student Orientation Programs

Orientation at UNC Asheville is the first and most important step in becoming a UNC Asheville student and is recommended for student success. There are three programs included in the New Student Orientation Program at UNC Asheville: **embark**, **pre-rendezblue**, and **rendezblue**.

#### **embark**

During **embark**, new students learn about academic advising, registering for classes, campus resources, and much more. Each **embark** session is packed with fun activities and chances to meet other new students. **embark** employs UNC Asheville students to assist with helping new students meet other new students, learn about campus resources and social activities, navigate the curriculum requirements, and find their niche here. **embark** for freshmen students is a two day program where students stay overnight in a residence hall, getting a taste of life at UNC Asheville. **embark** for transfer students is a one day program. Parents are welcome to attend **embark** parent orientation which takes place concurrently with the **embark** student orientation sessions.

## **pre-rendezblue**

New students are invited to get a head start on their UNC Asheville education by delving into the many assets of their new community. **pre-rendezblue** offers multiple special-interest programs that showcase Asheville. Participation in **pre-rendezblue** allows students to move in early to the residence halls and meet fellow students and staff who share their interests. Space in the **pre-rendezblue** program is limited, so students are encouraged to sign up early. Topics include: arts, community service, health and wellness, literature, multicultural, and outdoor adventures.

## **rendezblue**

In addition to embark orientation, students are encouraged to participate in **rendezblue**, a series of social and educational activities that take place in August prior to the start of classes. These activities include social entertainment events, convocation, and preliminary class meetings with faculty that allow students time to get settled in to their new surroundings in preparation for their first semester. New students are allowed to move in a few days early to acclimate themselves to campus and attend social and educational events with their peers. **rendezblue** is an opportunity for new students to meet new friends, learn about the academic rigor at UNC Asheville, and get an initial taste of the social life on campus. **rendezblue** is open to all new freshmen and transfer students. For more information, visit <http://leadership.unca.edu>

## **Transition Programs**

### **P2P**

P2P SUCCESS is designed to ensure that off campus freshmen will succeed in their first year and continue to excel during their time at UNC Asheville. Student leaders and P2P mentors provide support and social connections to the students in the program.

P2P hosts several events throughout the year to connect P2P participants with fellow participants. Additionally, the P2P program emails bi-weekly newsletters to participants to keep them informed of campus information and highlights events that will benefit participants socially and/or educationally. P2P mentors assist with participant questions and concerns throughout the program year.

### **TRANSFERmation**

The TRANSFERmation program is designed to ensure that transfer students succeed in their first year at UNC Asheville and find a connection to the university which keeps them retained at the university through graduation. TRANSFERmation mentors provide support and social connections to the transfer students in the program. This is an opt-out program for transfer students. Transfer students are automatically enrolled in the TRANSFERmation program and may opt-out at any time. First year participants receive bi-monthly newsletters with information designed specifically to keep them informed of important university information and upcoming events that would be of interest to transfer students. Continuing transfer students (as well as first year participants) receive monthly emails that highlight upcoming events, deadlines, social activities for transfer students, and other important information specific to transfer students.

### **Leadership Programs**

Leadership programs at UNC Asheville are open to all students who wish to enhance their leadership skills on any level. In addition to enhancing skills as a member of any of the over 60 student organizations on campus, students may develop their leadership skills through leadership programs including participating in the Professional and Personal Development series programs, induction into Omicron Delta Kappa, and participation in U-LEAD.

## U-LEAD

U LEAD is a leadership certificate program open to all UNC Asheville students who wish to enhance their leadership skills. The purpose of U LEAD is to inspire students to take an active role in the life of their communities by offering programs and services that develop and enhance leadership skills.

This certificate program includes a variety of workshops, community service, leadership retreats, and other events designed to specifically meet the needs of UNC Asheville students in developing their leadership potential. Several workshops and programs will be offered throughout each semester so students may choose the topics that best match their interests and needs. Topics range from personal development to group dynamics to financial management. A more detailed list of topics with workshop descriptions is available at the start of each year so students may more fully plan their leadership development.

## Omicron Delta Kappa

Omicron Delta Kappa is a national leadership honor society for junior and senior level college students, faculty, staff, administrators, and alumni. This organization seeks to honor those who have achieved in the areas of scholarship; athletics; campus/community service, social/religious activities, and campus government; journalism, speech and mass media; and the creative and performing arts.

Omicron Delta Kappa (ODK) was founded December 3, 1914, at Washington and Lee University in Lexington, Virginia, by fifteen student and faculty leaders. In the tradition of the idealism and leadership of George Washington and Robert E. Lee, the founders formulated the idea that leadership of exceptional quality and versatility in college should be recognized, that representatives in all phases of college life should cooperate in worthwhile endeavors and that outstanding students, faculty and administration members should meet on a basis of mutual interest, understanding, and helpfulness.

## Alumni and Student Leadership Awards

Each year, UNC Asheville recognizes those students and student organizations that have excelled in their contributions to the University community. Strong student leadership at UNC Asheville is marked by a balance between the rigors of academic life and the citizenship of co-curricular and community involvement. Nominations may be made by any member of the University community (students, faculty, staff, and alumni).

## Lead and Succeed Conference

Lead and Succeed is a conference designed for high school students in public and private high schools in Buncombe County and Asheville City schools. Students have the opportunity to continue to develop and refine their leadership skills through a variety of breakout sessions, team building initiatives, and opportunities to network with other high school students in the area as well as to see what life is like on a college campus so that they can begin to see themselves as college students in the future.

## Leadership Resources

Leadership Resources seeks to provide students with programming and services to assist them in the development/enhancement of a personal philosophy of leadership that includes the understanding of self, others, and community.

Leadership Resources includes the following:

- Personal and Professional Development Series (in collaboration with the Career Center)
- Leadership books, movies, audio tapes – located in Highsmith Union 215
- Team-building activities & equipment – located in Highsmith Union 215
- Individual or group consultations
- Retreat & program planning

For more information, call 251-6990, or drop by the Highsmith Union 215.

Transition & Leadership Programs' website address is <http://leadership.unca.edu/>.

## 2. Residential Education, Housing Operations and Dining Services

### Residence Halls

Residential Education and Housing Operations are committed to providing a safe, clean, well-maintained living learning environment for all residents. The residence halls represent a wide variety of living options including single, double and suite-style arrangements. Visit the website at <http://housing.unca.edu/>.

Community Directors (CDs), are the full time, professional Residential Education staff members, who live in each residence hall area, and Resident Assistants (RAs), are the student staff members, who live on the halls/floors of each building. Residential Education staff offer programs and activities based on the University student learning outcomes and the University Strategic Plan that complement and enrich each student's campus experience. Staff members plan and coordinate educational and social programs, as well as outreach and support, including a wide variety of activities, such as lectures, movies, discussion groups and intramural teams.

Each of the five residence hall areas is a short walk from classroom buildings, the library, dining hall, and recreation facilities. All areas offer computer labs, collaboratories, kitchens, laundry facilities and lounges for students to study or relax.

In Fall 2011, Governors Village will reopen 100 renovated semi-suite rooms. Student input was used to create the new floor plans and building arrangements. This summer, we are scheduled to begin construction on a new 300 bed residence hall which will include a multi-purpose room and dining concept in addition to all our normal amenities.

Rooms are furnished with beds, desks, chairs, chests of drawers, Microfridges®, blinds, and closet space. Basic cable service, high-speed Internet access, and laundry use are included in the housing package at no additional cost. Wireless hotspots are located throughout the residence halls.

Students who live in UNC Asheville residence halls sign a Housing and Dining Contract which is part of their housing application. The term of this contract is for one academic year consisting of two semesters, or for an alternate period beginning sometime after fall semester begins and terminating at the end of spring semester. The Housing and Dining Contract includes a meal plan that is required for all resident students.

By signing this contract, each resident agrees to observe all rules and regulations of the university and Residential Education and Housing Operations as outlined in the Residents' Handbook and the Student Handbook. Students who live in the residence halls are required to maintain an enrollment of no less than 12 credit hours. A complete listing of policies and procedures are provided to new residents each semester and is available on-line.

The Residents' Handbook contains regulations and guidelines pertaining to check-in and check-out, room assignments and changes, animals, personal safety, mail delivery, key replacement, parking, maintenance, overnight guests, visitation and many other topics which will assist in guiding the student in their on-campus living experience.

### University Dining Services

The Dining Hall is the main dining facility for students, faculty and staff, offering options that include specialty grill items, entrees, pizza, salad bar, deli counter, vegetarian, vegan, and items for special dietary needs. Resident students are required to purchase a meal plan. There are also separate meal plans available for commuting students. A declining balance system allows students to make deposits into a fund that may be accessed for the Dining Hall, Cafe Ramsey, Highsmith Union Food Court, Pizza Hut (on campus delivery) and the Wellness Café (a new dining concept opening in the Sherrill Center this Fall). Visit Dining Services website at <http://www.dineoncampus.com/unca/?cmd=Residents>.

## **Off-Campus Housing**

All first year students are required to live on campus. Students who plan to live off campus make their own living arrangements. They are governed by the rules and regulations of the university when they are on campus. Some off-campus living options can be found on our website at <http://housing.unca.edu/campus-housing-resources>. In addition, an off-campus housing fair takes place in the spring semester of each year.

## **3. Student Activities**

Student Activities provides programming, services and opportunities that enhance the knowledge, understanding and skills necessary for personal development. Student activities is responsible for Student Organization Services, International Student Services, Greek Life, Underdog Productions, Campus Programming, ourSPACE, and the Highsmith University Union building reservations & operations.

Visit SAIL's website at <http://studentactivities.unca.edu/>.

## **Student Organizations**

Involvement in co-curricular student organizations is an important aspect of college life. There are typically over 60 social and general and/or special interest clubs, honor societies, service groups, religious organizations, departmental clubs and Greek social organizations at UNC Asheville. All organizations strive to offer an opportunity for students to become involved and develop leadership skills, self-confidence and individual talents. All student organizations are part of the campus Student Organization Council (SOC), a venue whereby student leaders have opportunities to share ideas and initiate collaborations, learn information pertinent to maintaining and developing their organization, and properly garner funding for upcoming semesters.

## **Student Government**

The University recognizes the Student Government Association (SGA) as the governing body of the students. The SGA plays a vital role in policy-making procedures, serving as a voice for students and settling student grievances. The president of the SGA is a full voting member of the Board of Trustees of UNC Asheville.

The student government president, elected by the student body, leads the executive branch of the SGA. The SGA President is charged with representing concerns of students as reflected by the Student Senate. The senate is responsible for recommending policies and procedures consistent with the welfare of the students. The legislative branch of the SGA, led by the vice president, is primarily responsible for this important function. Students are encouraged to get to know their Senate representatives so concerns of the student body can be properly reviewed. Senate meetings are held at least every other week during the academic year. All students are invited to attend.

## **International Student Programs**

The Office of International Student Programs provides programming and cultural and academic advising for international students in order to ease their transition to life in the United States and to the UNC Asheville community. Programs are designed to help international students succeed academically and socially during their time at UNC Asheville and beyond.

## **Greek Life**

The UNC Asheville Greek Life system is one that promotes personal, social, intellectual and ethical development of all chapter members. Each chapter is recognized and hosted by UNC Asheville with the responsibility of the national chapters resting with that organization's headquarters.

The advancement of the Greek System at UNC Asheville is seen as an ongoing effort of the preservation of traditional intellectual growth and progressive leadership development. For more information on Greek Life at UNC Asheville go to <http://studentactivities.unca.edu/sororities-fraternities>

## **Underdog Productions (UP)**

Many of UNC Asheville's extracurricular events are sponsored by Underdog Productions (UP). UP is UNC Asheville's student-run campus activities board. Students interested in getting involved with UP may apply as some of the leadership positions open up. These positions are rewarded with a small stipend, but volunteers are always welcome. Students do not need previous experience in programming events, as UP is one of more than 1,200 member organizations in the National Association for Campus Activities (NACA), which provides superb educational and training opportunities at its workshops and conferences. UP members may learn and sharpen programming skills through planning and coordinating campus events, NACA training, and the many other leadership programs offered on campus by UNC Asheville.

## **Campus Programming**

There is always something to do on the UNC Asheville campus. Campus programs are coordinated by a number of departments within the division of Student Affairs, who come together to form the Student Activities Programming Board. In addition to sponsoring Underdog Productions, Student Activities sponsors a number of events of its own, including open mics, trivia nights, and movies. For information about upcoming events, students can check the ourSPACE calendar online.

## **Highsmith University Union**

Highsmith University Union is the center of UNC Asheville campus life. Highsmith University Union is dedicated to serving the entire campus community as a social center and by offering a variety of programs. Union programs, while being educational and fun, are opportunities for participants to develop a lifelong commitment to personal wellness, practice leadership, and develop a sense of attachment to their peers, to the Union and to the University. The Union offers comprehensive development programs for student staff members focusing on transferable skills, field specific skills, and program ownership. The following offices and operations are located in the Highsmith University Union: Gameroom, Bookstore, Computer Lounge, Career Center, Highsmith Food Court, Bike Shop, OneCard, Copy Center, Art Gallery, Student Affairs Office, Leadership Programs, Student Organization Suite, Student Government Association, Student Environmental Center, ATM, Intercultural Center and Multicultural Student Programs, Diversity Education, Student Activities and Integrative Learning, Key Center for Community Citizenship and Service Learning and Underdog Productions (Student Programming Board).

## **4. Intercultural Center and Multicultural Student Programs**

The Intercultural Center is located in Highsmith University Union on the first floor in Room 114. The mission of the University of North Carolina at Asheville's Intercultural Center is to create an inclusive and culturally diverse environment on campus while providing academic, co-curricular, and outreach services for underrepresented students. The Office of Multicultural Student Programs (MSP) is housed in the Intercultural Center along with the Center for Diversity Education. MSP organizes and promotes diverse events such as lectures, concerts, conferences, leadership workshops, educational/ recreational trips, and career building experiences, which are inclusive and enlightening. Latino, Native

American, Black History, Women's History, and Asian/Pacific Islander Heritage months are celebrated in collaboration with respective student organizations. Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) programs are also offered. The department presents programming that helps all UNC Asheville students develop a clearer understanding of world views that impact their work and relationships.

Two signature programs are AmbassaDawgs and Safe Zone. The AmbassaDawgs are peer-mentors specifically for new UNC Asheville freshmen and transfer students who identify as Native American/Alaskan Native, African American, Asian, Pacific Islander, Latino, or multiracial. AmbassaDawgs orient their mentees to the campus community and educate them on the programs and services provided by the Intercultural Center. The purpose of the Safe Zone Program is to create a network of allies and resources for the LGBTQ communities at UNC Asheville and enhance continued sensitivity and understanding of the larger umbrella of non-normative sexual identities and gender expressions.

## 5. Campus Recreation

### Student Recreation Center:

- Weight/fitness room located in the Sherrill Center
- Three racquetball courts
- Indoor Pool (25 yards)
- Locker room facilities
- Indoor walking/jogging track
- Three activity courts for basketball, volleyball, badminton and indoor soccer
- Outdoor Facilities: 400m track, softball field and all-purpose field

**Hours:** Mon -Thu: 6:00 am - 11:00 pm  
Fri: 6:00 am - 8:00 pm  
Sat - Sun: 10:00 am - 8:00 pm  
Pool Schedule: Open / Lap Swim:  
Mon-Fri: 6:30 am - 8:00 am, 12:00pm – 1:30pm, 4:00pm-8:00pm  
Sat - Sun: 12:00 pm - 4:00 pm

### Member Services:

University affiliates (Alumni, Reuter Center Members, and Spouses/Dependents of Students/Faculty and Staff) are encouraged to purchase a recreation membership with the Campus Recreation Department for a nominal fee per year. Membership allows individuals to access facilities of the Campus Recreation Department during normal operating hours and is a great way for families to stay healthy and active together. Members may also reserve lockers and have reservation access to the racquetball courts. Stop by the Student Recreation Center and inquire about our membership options.

### Group Exercise:

UNC Asheville Campus Recreation offers many group exercise classes that may include aerobics, yoga, pilates, and zumba. All schedules and class descriptions are posted on the website at <http://recreation.unca.edu/>.

### iRec:

Instructional Recreation (iRec) provides opportunities for students and staff to develop and refine skills in courses structured to teach progressive skills in such disciplines as biking, paddling, CPR, Lifeguard Certification, Wilderness First Aid, Walking for Life, Strength Training, Tai Chi, and meditation. iRec is a program designed for the individual looking to improve skills and gain additional knowledge about the classes offered. iRec is a program that requires an additional fee and all classes are non-credit.

### Intramural Sports:

Fall Sports: • Flag Football • Volleyball • Dodgeball • Badminton • Indoor Soccer  
• 3-on-3 Basketball • Racquetball

Spring Sports: • Basketball • Kickball • Inner tube Water Polo • Outdoor Soccer  
• Dodgeball • Sand Volleyball • 4-on-4 Flag Football • Tennis

Please visit the website at <http://recreation.unca.edu/intramural-sports>, for a complete calendar listing, sport rules, and the Intramural Handbook; or to sign up a team or as a *free agent*.

## **Outdoor Recreation: Adventure Trips**

UNC Asheville Outdoors offers a wide variety of adventure trips including white water kayaking, rock climbing, white water rafting, caving, backpacking, canoeing, skiing, sea kayaking as well as custom programs for you and your group/organization. No experience is necessary for any of our Adventure Trips, and we provide transportation, essential equipment, meals (on multiday trips) and trained instructors. Check out the website at <http://recreation.unca.edu/outdoor-program> for a link to the complete schedule of Adventure Trips and Workshops. Adventure Trip registration can be done online or you can stop by HFC 108 for some assistance. Discounts apply for early registration.

## **Equipment Rental**

UNC Asheville Outdoors has equipment rentals available for students, faculty & staff. Rentals include tents, backpacks, sleeping bags, sleeping pads, stoves, kayaks and more. These items may be checked out for a day, weekend, week, or longer. Rental privileges require a valid UNC Asheville, Reuter Center or Alumni ID, and payment options include check, cash, student account or OneCard. A complete list of equipment and rental prices can be found on our website at <http://recreation.unca.edu/>, or stop by our office in Health and Fitness Center 108.

## **UNC Asheville Bike Shop**

The UNC Asheville Bike Shop is located in the Highsmith University Union. If your bike is in need of repair, bring it in and we'll show you how to fix and maintain it – for free! Once you learn all there is to know, come back anytime and we'll let you use our tools. Use of the bike shop is free to all students during operating hours. If you don't have a bike, the shop has free commuter bike rentals and mountain bike rentals for a small fee.

## **Diamond Brand Low Ropes Course and Traveling Initiatives Program**

The Diamond Brand Low Ropes Course and Traveling Initiatives Program is a series of problem solving exercises that challenges a group to think creatively and as a team. The challenges are a tool used to promote group dynamics and leadership. Whether you are a group that just met or one that works together on a daily basis, the activities are perfect for all ages and levels of development. The course is situated in a forested area just a short walk from the main campus of UNC Asheville or if you would rather we can bring the program to you! The Diamond Brand Low Ropes Course and Traveling Initiatives Program is inexpensive and open to all campus organizations, clubs, teams and academic departments. Dates can be scheduled in SRC 108, by phone at 828.251.6368 or at <http://recreation.unca.edu/ropes-course> (Programming also available for the public. Call for details.)

## **Sport Clubs:**

A sport club is a recognized student organization which is formed to provide opportunities for students, faculty and staff to participate in a variety of competitive, instructional and recreational sports. Membership in a sport club develops the whole individual and adds to the collegiate experience by emphasizing safety, student leadership, member governance, skill development, competition, and fun. The success of a sport club is directly related to the student leadership of the club. Students are encouraged to form new clubs. Visit our website for active sport clubs and officer contact information at <http://recreation.unca.edu/sport-clubs>.

## 6. Student Health and Counseling Center

The mission of the UNC Asheville Student Health and Counseling Center is to facilitate the educational experience of students enrolled at UNC Asheville. UNC Asheville recognizes that physical, psychological and social well-being are deeply interconnected, especially as they relate to our students' ability to learn and serve. The University offers an integrated care approach which combines counseling, medical care, and health and wellness promotion to meet and address the needs of our student population. Strong administrative support for an active and innovative model has allowed UNC Asheville to provide outstanding care and involvement with the university community.

### Services

The Student Health and Counseling Center, located in Weizenblatt Hall, has professional staff on duty, who address the range of mental health and medical concerns for currently enrolled students. Office visits and medical examinations are free of charge. However, laboratory services, medications and surgical procedures require a small fee. Student Health and Counseling Services are not available to faculty, staff or students who are not enrolled at UNC Asheville. The Student Health and Counseling Center offers:

- individual and group mental health counseling
- care of acute and chronic illnesses
- evaluation and treatment of accidental and athletic injuries
- family planning counseling
- physical exams for health screening purposes, including pap smears and pelvic exams
- allergy shots
- free testing for most sexually transmitted diseases
- immunizations to meet University requirements
- laboratory services such as cholesterol and diabetes screening, pregnancy tests, are available at a reduced price
- a select inventory of birth control pills, antibiotics and other medications available at a reduced price
- depression screening and treatment
- health education services for groups and individuals on topics such as first aid & CPR training, weight control, nutrition, smoking cessation and sexuality issues

The Student Health and Counseling Center's website address is <http://healthandcounseling.unca.edu/>

### Hours of Operation

The Student Health and Counseling Center is open during the fall and spring semesters from 8 a.m. to 5 p.m., Monday through Friday. The summer schedule varies and hours are posted on the front door. The Student Health and Counseling Center is closed on University holidays.

### After Hours Care:

Students who need medical attention when the Student Health and Counseling Center is closed should call the Mountain Area Family Health Center, located across from the UNC Asheville main entrance at 118 Weaver Blvd., at 257-4740 for medical concerns. For mental health concerns, call Campus Police at 251-6710 (who will contact the UNCA counselor on-call).

### Immunizations

The North Carolina General Statute, Chapter 130A, Article 6, Part 2 establishes specific immunization requirements for all students enrolled in NC colleges or universities. It is the responsibility of the Health Services to monitor the immunization records of all

students ensuring compliance with state law. Immunization records may be obtained from high schools, physicians, health departments, military records or previously attended colleges. It is the student's responsibility to assure compliance with required immunizations prior to registration. Health Services provides free required immunizations for students who are entering a North Carolina university for the first time.

## Health Insurance

All students who are enrolled in 6 or more credit hours, must demonstrate proof that they are covered under a major health insurance plan. This plan may be through the student's parents or an individual policy owned by the student. All students are required to go to [www.studentinsurance.com](http://www.studentinsurance.com) and provide insurance information, so coverage can be verified.

In the event that a student does not have health insurance, UNC Asheville has a student health plan available through Pearce and Pearce Inc., a national company specializing in health insurance for college students. This plan is offered at reasonable cost each semester. This plan is also available to the dependents and spouses of students. Information about Pearce and Pearce can be found at [www.studentinsurance.com](http://www.studentinsurance.com).

While the Student Health Center offers primary care to students on campus, the Pearce and Pearce insurance plan assists in meeting medical expenses, as well as assisting with any medical expenses incurred outside of the our Student Health Center including hospitalization, out of area care while traveling, and specialty services not available at student health.

## Confidentiality & Notice of Privacy Practices

This Notice describes how medical information about students may be used and disclosed and how students can gain access to this information. Students will be asked to review it carefully, sign as acknowledgement of receipt and give it to the receptionist.

Student Health and Counseling Center (SHAC) intends to maintain the privacy of your protected health information (PHI) and to provide you with Notice of its legal duties and privacy practices. The purpose of this Notice is to explain who, what, when, where and why, your PHI may be accessed or disclosed, and assist you in making informed decisions when authorizing anyone to use or disclose your PHI.

## Access and Disclosure:

PHI may be used and disclosed for purposes of treatment, payment and health care operations (TPO). TPO are activities related to the provision of medical care, activities related to collecting payment from the patient or a third party, and encompasses functions such as quality improvement, peer review, accreditation, licensing, contracting with insurers, business planning, auditing, and general administration. PHI may be disclosed in certain other situations, as described below, relating to public health and safety. SHAC may also use PHI to contact patients, who have missed appointments, to follow up on test results or to advise them of available treatment alternatives. With some infrequently occurring exceptions, any other disclosure of PHI requires the written authorization of the patient.

The following people or entities will have access to PHI:

- The patient (we require that a member of our staff be present when the patient has the original medical record).
- Any person to whom the patient has provided written authorization for the release of information.
- A family member, representative of the patient or other person responsible for the care of the patient may be notified of the patient's location and general condition, if the patient has given verbal permission. A patient may also give verbal permission to allow another person to pick up prescriptions, supplies, copies of reports, or other similar materials.
- Parents or legal guardians of a minor, with some exceptions: PHI regarding contracep

tion, pregnancy, sexually transmitted disease, assault, and alcohol use will not be released to parents of guardians without signed authorization by the patient.

- SHAC staff will have access for purposes of TPO as indicated below:
- Nurses, nurse practitioners, physician assistants, physicians and receptionists need access to the entire chart.
- Cashier's office and One Card employees need only the date of service and the amount charged to their account.
- Custodial employees do not have access to PHI. Custodial employees are informed of this policy, and sign a statement acknowledging their understanding of it.
- Student employees will have limited access to PHI. Staff does not discuss PHI in the presence of student employees. The student worker's access to medical records will be limited to filing responsibilities. When student employee answers a patient phone call, they ask only for the patient's name, identification number and phone number, so a staff member can return the call. At the time of their employment, student employees are informed of this policy, and sign a statement acknowledging that they understand it.
- Student nurses, medical students and medical residents who are receiving clinical training at Student Health Services may participate in patient care and have access to the medical record.
- The patient's health insurer or other third party payers, for payment purposes.
- The companies that support our medical software. (These companies are contractually obligated to maintain the confidentiality of all PHI).
- Public health services, regulatory officials, and law enforcement agencies, when required by law. Examples include notification to local health department of a reportable infectious disease and disclosure to avert a serious threat to health or safety.
- Courts when there is a court order.
- Courts and/or attorneys, when there is a subpoena, discovery request or other lawful processes. When we receive a request of this type, we consult the University General Counsel to assure that all legal conditions are satisfied. We will attempt to inform the patient prior to responding.

### **Minimum Necessary:**

In general, use or disclosure of PHI for purposes other than treatment or a disclosure requested by the patient is limited to the minimum necessary. Use of PHI for quality improvement purposes will be limited to the SHAC staff and will include the entire medical record. The Privacy Contact will review all non-routine requests for disclosure of PHI to assure that they meet the minimum necessary requirement. The Privacy Contact may consult the Privacy Officer, both of whom are identified below, for assistance in making this determination.

### **Authorization:**

Before we use or disclose PHI for purposes not related to TPO, and not required by law, we will attempt to obtain written patient authorization, signed and dated, which the patient has the right to revoke at any time, except to the extent we have already made disclosures pursuant to their authorization.

### **Changes To This Notice:**

SHAC reserves the right to change the terms of this Notice and to make the new Notice provisions effective for all PHI that HAC maintains by posting the revised Notice in the SHAC and posting the revised Notice on the SHAC website.

### **Patient Rights Regarding Your Protected Health Information:**

- To request limitations to the routine use of PHI for TPO. The request must be in writing. If SHAC agrees to any limitation, SHAC will abide by that agreement except in the case of emergency. If disclosure of PHI is made to another provider in an emergency, SHAC

will request that no further disclosure or use be made.

- To obtain a paper copy of this Notice and upon written request submitted to the HAC, inspect and/or obtain a copy of your health record.
- To request changes in their PHI. SHAC requires that such requests be in writing. If SHAC denies the request, SHAC must provide an explanation and SHAC must also allow the patient to provide a statement of disagreement that will be added to the medical record.
- To request in writing that SHAC communicates with the patient by a specific method and at a specific location. These may include communicating in person, by letter, e-mail, fax and/or telephone. SHAC will comply with reasonable requests.
- To request in writing a written list of disclosures made of the patient's PHI, except for disclosures related to TPO. SHAC will suspend that right of patients to receive an accounting of disclosures to health oversight agencies and law enforcement officials if the agency or official provides a written statement. Written requests must be routed to the Privacy Officer.

### **Student Health and Counseling Center Responsibilities:**

- Maintain the privacy of patient's PHI and provide Notice of SHAC legal duties and privacy practices with respect to PHI.
- Abide by the terms of this Notice and inform the patient of any changes.
- All staff will receive instruction about the SHAC Privacy Policy.
- All staff will exert diligence to avoid being overheard when discussing PHI.
- All records will be kept secured. When the SHAC is open, exposed patient records will not be left unattended in unlocked offices. Custodians will relock each office when they are finished cleaning. Individual charts are either in locked offices, or are in our file area.
- Access to medical record computers will require a personal code, which will be periodically changed.
- Written requests to access PHI or change medical records will not be acted on immediately, but will be done in a timely manner.

#### **Administration:**

- The SHAC office manager serves as the Privacy Contact.
- The SHAC administrative director serves as the Privacy Officer.

#### **Contact for Questions/Complaints/Requests**

Direct your questions, complaints and requests regarding this Notice to:

Privacy Officer

UNCA Health Services

CPO #2710, 1 University Heights

Asheville, NC 28804

## **7. University Police and Public Safety**

The University Police and Public Safety Department at UNC Asheville is a full-service law enforcement agency whose primary responsibility is the protection of life and property on the University campus. The University Police Department is the primary emergency first responder for crime, suspicious circumstances, medical emergencies, fire alarms, and other critical incident situations on campus. In an emergency, call 6710 from a land line or 828-251-6710 from a cell phone. The department's police officers are professionally trained to meet standards set forth by the Criminal Justice and Standards Division of the State of North Carolina. UNC Asheville Police Officers have full police authority to investigate, apprehend and arrest under General Statute § 116-40. Our police jurisdiction includes all UNC Asheville owned or leased property, that portion of any public

road passing through the campus, and that portion of any public road immediately adjoining the campus. The Department provides the campus with police protection twenty-four hours a day, 365 days a year. The Department offers a wide range of crime prevention and awareness programs that are designed to ensure a continued safe and secure learning environment. The University Police and Public Safety Department offers services in the following areas:

- Routine and Directed Patrols
- Emergency First Response
- Criminal Investigations
- Traffic Control and Accidents
- Community Policing/Liaison Officers
- Emergency Communications Center
- Campus Public Safety Alerts
- Parking/Traffic Control
- Incident Reports
- Emergency Phones
- Motorist Assistance Program
- Unlock Services
- Safety Escorts
- Non-Emergency Medical Escorts
- Threat Assessment
- Property Registration and engraving
- Bicycle Registration
- Personal Safety

As required by the Crime Awareness and Campus Security Safety Act of 1990, the University Police and Public Safety Department produces an Annual Report that contains statistics about campus crime and a link to the North Carolina Sexual Offender Registry which provides information on home addresses of registered sex offenders and their employment or enrollment at a university or other institution of higher learning. Crime statistics and policies related to the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act are available at <http://publicsafety.unca.edu/>.

If a student has information about a potentially threatening behavior or situation that causes them concern about possible violence:

You can contact the UNC Asheville University Police Department 24 hours-a-day, 7 days a week with information about the potential threat. The University Police Department also has anonymous reporting on the UNC Asheville University Police website that can be used to leave information if the person does not want to be identified. Any information about a potential threat to an individual, group, or the community at large should be reported immediately.

## 8. Special Programs

Special Programs is responsible for providing programming for parents and families, student veterans and student volunteers.

### Family and Parent Programs

The primary focus of Special Programs is to assist parents and families as they, along with their students, become part of the UNC Asheville community. Families are kept informed about campus resources, news, and events. Family Weekend, held in the fall, provides an opportunity for parents to return to campus and visit their student, as well as to participate in educational and fun activities. Visit the website at <http://www.unca.edu/family> for more information.

## Student Veterans

Special Programs collaborates with faculty and staff members to provide a welcoming environment for our student veterans. Services to veterans include forums throughout the year providing them with an opportunity to meet and to discuss their concerns. Financial assistance through veterans' benefits is handled through the Financial Aid Office. Visit the website at <http://studentaffairs.unca.edu/sp/veterans> for more information.

## Student Volunteers

Public Responsibility is an integral aspect of UNC Asheville's Strategic Plan. Working with the Key Center for Community Citizenship and Service Learning, Special Programs provides opportunities for students to become actively engaged in volunteer service projects in the local and regional community. Visit the website at <http://studentaffairs.unca.edu/sp/volunteersim> for more information.

# STUDENT SERVICES

## 1. OneCard

The OneCard is your official student ID, as well as a campus debit card (provided funds are deposited into your account). It may be used at the Bookstore, Dining Hall, Cafe Ramsey, Highsmith University Union Food Court, for Drama tickets, drink & snack machines, Student Health Services, laundry, copiers, Ramsey Library, Student Recreation Center and at the Cashiers Office. **For residential students, the OneCard will also function as door access to resident halls.**

UNC Asheville OneCard  
120 Highsmith University Union, CPO #1260  
UNC Asheville / One University Heights  
Asheville, NC 28804-8501

Phone: (828) 251-6767  
FAX: (828) 251-6687  
<http://onecard.unca.edu/>

## 2. UNC Asheville Bookstore

The UNC Asheville Bookstore is located on the ground floor of the Highsmith University Union. UNC Asheville recently contracted with Follett Higher Education Group to provide university bookstore services to the campus. The company is expected to begin managing the bookstore in early August 2011. Under Follett, the UNC Asheville Bookstore will offer new and used textbooks, but will also introduce new programs like Rent-A-Text for students, along with growing digital content offerings both in-store and online through the nation's largest online textbook portal, [efollett.com](http://efollett.com).

In the coming year, Follett will introduce new textbook scholarships for UNC Asheville students and provide greatly expanded logo merchandise offerings for students, alumni and Bulldog athletics fans. In addition, Follett plans to incorporate technology that will allow students to order textbooks at the time of course registration, and will operate an extensive online system for ordering books, apparel, gifts and other merchandise that can either be shipped directly to the purchaser or held for store pick-up. Follett will also be remodeling the bookstore, expected to be completed by Fall 2012.

## 3. Career Center and Student Employment

### Career Center

The UNC Asheville Career Center is committed to providing comprehensive guidance and services for students and alumni about the practical application of a liberal arts

degree in the world of work. All Career Center services, resources, and programs are designed to create meaningful opportunities for students and alumni, and assist in the transition from college to work or graduate school.

Professional staff is available to assist with career-related decisions including choice of a major, career assessment, obtaining occupational information, developing a resume, fine-tuning interviewing skills, and internship, job and graduate school search strategies. Opportunities to network with employers and alumni are available through our job fairs, career panels, and employer information sessions. The Career Center also houses an online posting system that lists diverse full-time and part-time jobs, internships, federal work study and on-campus jobs, and fellowships/scholarships.

Please visit us at 259 Highsmith University Union or online at <http://career.unca.edu/> To schedule an individual appointment please call 828-251-6515 or e-mail [career@unca.edu](mailto:career@unca.edu). We look forward to working with you in developing your career path.

## **Student Employment**

The UNC Asheville Payroll Department works with the Career Center to assist students in finding both federal work study and on-campus jobs. The Payroll department oversees an on-line timesheet reporting system and processes direct deposit pays for all on-campus student employment (this includes federal work study). Required employment contracts as well as federal and state tax paperwork are also coordinated through the Student Payroll Service Center.

The Student Payroll Service Center is here to assist and answer your questions. You can visit us on the first floor of Phillips Hall or contact us at 828.250.2352.

## **4. Tutoring and Learning Support**

If you are experiencing academic difficulty or just want to do your best in a course, University Peer Tutoring can help. We match tutors with students who want to master course content as well as develop and integrate active learning and study skills. Best of all, this service covers most 100- and 200-level classes at UNC Asheville and is free for all UNC Asheville students.

Do you want to improve your note-taking or test-taking strategies or learn how to manage your time? UNC Asheville's Advising and Learning Support office offers Study Skills Tutoring as a free service to all currently enrolled UNC Asheville students. Study Skills tutoring focuses on the foundational skills students need to acquire and utilize in order to reach their full academic potential. It differs from the University Peer Tutoring program in the sense that it focuses on study skills instead of information content. Our intention is to equip you with the necessary study skills to employ regardless of whether you are tackling Chemistry, Humanities, or Mathematics courses this semester!

Please visit <http://www.unca.edu/advising/> for more information about tutorial and learning support services or stop by the Advising & Learning Support Center in the On-Stop Student Services office in the lower level of University Hall.

## **5. Key Center for Community Citizenship and Service Learning**

The Key Center for Community Citizenship and Service Learning promotes increased connections between the university and the community. It helps faculty members incorporate service learning and community engagement into their classes so that students may take part in making the Asheville area a better place to live. It helps students find meaningful projects that are connected to what they learn in the classroom and reflect on what they learn.

The center also approves Service-Learning Designated Courses, which are new in Fall 2011 and are classes that make very strong ties between course content and service learning. Students who successfully complete two Service-Learning Designated Courses and do another project based on a partnership with the community may graduate with the academic honor of Community Engaged Scholar. See the website at <http://keycenter.unca.edu/> for more details.

Key Center Director, Associate Professor of Psychology: Joseph C. Berryhill, Ph.D.  
248 Highsmith University Union, phone: 251-6400, [keyctr@unca.edu](mailto:keyctr@unca.edu) [jberryhi@unca.edu](mailto:jberryhi@unca.edu)

## 6. Copy Center

The Copy Center at UNC Asheville is located in 153 Highsmith University Union, lower level, and provides copies (color and black & white), transparencies, fax, binding, laminating, booklets, posters and wide format full color printing.

Visit the website at <http://copycenter.unca.edu/> or e-mail us at [copycenter@unca.edu](mailto:copycenter@unca.edu). We look forward to assisting you with all your copy and printing needs.

## 7. Transcripts and Release of Student Records

In order to comply with federal regulations, the University of North Carolina at Asheville has adopted institutional policies and procedures to be followed with regard to the disclosure of information from the education records of current and former students. The student record policy of the University of North Carolina at Asheville conforms to the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380). Copies of Public Law 93-380 may be found in Ramsey Library and the Office of the Registrar. This policy gives a student the right to inspect his or her educational record within a reasonable length of time, to ask for interpretations, and to request that any inaccuracies be corrected. Education records are in the custody of the Registrar. A student's academic transcript is permanently maintained. Other documents are retained pursuant to administrative policies.

Copies of the student's official UNC Asheville transcript are released only on the written request of the student, and only after all obligations to the University, financial and otherwise, have been fulfilled. Currently enrolled students may request an official transcript through their UNC Asheville OnePort account. Former students and alumni may request an official transcript via the National Student Clearinghouse or by submitting a transcript request to the Office of the Registrar. There is no charge for transcripts unless they are requested through the National Student Clearinghouse, which charges a small service fee for processing. For more information, please visit the Office of the Registrar's website at <http://registrar.unca.edu/>. Transcripts are issued within one week of receipt of the official request, except during the beginning and ending weeks of each semester, when more processing time may be required. Transcripts received from other schools are the property of the university and are not copied or released.

Grades cannot be released to parents or guardians without the written permission of the student. Special forms to send copies of grades are available in the Office of the Registrar and must be completed each semester in which a student wishes to send grades to a third party.

The university does not permit access to, or the release of education records, without the written consent of the student with the following exceptions: a) to UNC Asheville officials, including faculty, who require such records in the proper performance of their duties; b) in connection with the student's application for or receipt of financial aid or Veterans Administration benefits; c) to organizations conducting studies for educational and governmental agencies (in which case individual students are neither identified nor identifiable); d) U.S. government agencies as listed in Public Law 93-380; e) parents of a

dependent student as defined in the Internal Revenue Code of 1954; f) accrediting agencies; g) to comply with a judicial order or lawfully issued subpoena; h) appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or any other person; i) to other University of North Carolina system institutions if the student applies or is accepted for transfer to those institutions; and j) directory information.

Directory information is defined as: student's name, address, telephone number, date and place of birth, entrance status, classification, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received (including Dean's List, Chancellor's List and scholarships), and the most recent educational agency or institution previously attended by the student. Students who do not wish their information released outside the university or published in the campus directory must give written notice to the Office of the Registrar.

## **8. Transportation Services**

Transportation Services is a division of the UNC Asheville Department of Public Safety, located in Vance Hall. Office hours for Transportation Services are 8:00 a.m. to 5:00 p.m., Monday through Friday. If you have questions or concerns about transportation after normal business hours, please contact University Police at 251-6710.

As a central part of the UNC Asheville community, the mission of Transportation Services is to support learning and discovery by efficiently and effectively managing our parking and transportation resources. In doing so, we will provide and promote a variety of transportation programs that assist in providing a quality experience to support the mission of the University.

### **Public Transportation**

Asheville Transit provides bus service throughout the City of Asheville and other local areas with 24 bus routes running from 6 a.m.-11:30 p.m., Monday through Saturday. Three of these routes stop on the UNC Asheville campus (Routes 2, 18, and 52), allowing students, faculty, and staff to travel almost anywhere in Asheville. In addition, all buses transport at least two bicycles.

UNC Asheville students, faculty, and staff have unlimited and free access to all Asheville Transit routes ONLY with a valid OneCard that has a current year Passport sticker on it - stickers are available from University Police located in Vance Hall.

### **BARCS Shuttle Services**

This free shuttle system operates Monday-Friday, 7:30 a.m. to 5:30 p.m. Shuttles provide service to most buildings and parking lots on campus. In addition, shuttles stop at the Grove Apartments and Pinnacle Ridge Apartments.

### **Online Ride Board**

Save gas money and reduce pollution by ridesharing. Zimride at UNC Asheville is designed for single-trip travel (i.e. weekend and holiday travel) as well as daily commutes.

### **Car Rental Program**

Enterprise Rent-A-Car offers car rentals to UNC Asheville students age 18 and older from any Enterprise location in North Carolina. In order to rent a car, students must provide:

- A valid driver's license
- A valid OneCard
- Proof of insurance
- A valid credit card or in-state debit card

## **Emergency Ride to Campus (ERC) Program**

The Emergency Ride to Campus (ERC) program provides students that regularly carpool, bike, walk, or take transit a limited number (3 per semester for freshmen, 1 per semester for all other students) of free emergency rides back to campus if those transportation options are unavailable.

## **Med Cab Program**

The Med Cab program allows students without access to, or who are unable to use a vehicle a free taxi ride to a designated medical facility for appointments or emergencies, or to a pharmacy to pick up a prescription or other medical supplies. The Med Cab program is available for medical emergencies, when all other transportation options (biking, walking, carpooling, taking transit) are not feasible. Contact University Police at 251-6710, Student Health Services at 251-6520, or the Counseling Center at 251-6517 - one of these offices must call for the Med Cab taxi and authorize its use.

## **Bike Shop**

The Campus Recreation Bike Shop is located at Highsmith University Union and offers free access to tools and free bike rentals to students, faculty, and staff. The Bike Shop allows students to access tools to maintain their bicycles, learn bicycle mechanics, and save money. Bikes must be parked only on available racks. Parking to trees or railings is prohibited.

# **9. Athletics**

## **Champions in Athletics, Leaders in Life**

The role of Athletics within the greater University system is to challenge our student-athletes to “Aspire Higher” in academics and in sports. UNC Asheville’s Intercollegiate Athletic Program reflects the attitudes and values underlying the University’s overall goals of academic excellence, diversity, equity, integrity, service, and accomplishment. Accordingly, the athletics program encourages an atmosphere of respect for self and others through the development of ethical conduct, sportsmanship, leadership, and citizenship and provides equitable opportunities. Our 14 NCAA Division I programs also serve as a touchstone for the campus, alumni, friends, family, and the greater Asheville community.

## **Mission Statement**

UNC Asheville is a distinctive public liberal arts institution. The Department of Athletics seeks to sponsor a competitive, broad-based, fiscally-sound and ethically responsible NCAA Division I athletics program.

The hallmarks of our athletics program are compassion, fairness, honesty, respect, responsibility, and sportsmanship. Adhering to these values helps create a culture of excellence that emphasizes academics, community service, inclusion, and integrity for our fans, staff, and student-athletes. A successful, well-run athletics program also builds pride in and support for the University among the citizens of Asheville and Buncombe County and among students, faculty, staff and alumni.

Our focus is on the development of our student-athletes as “Champions in Athletics and Leaders in Life”, starting from recruitment and continuing beyond graduation. Our expectation is that the combination of a strong, liberal arts education combined with multi-dimensional athletics experiences will foster long-term community and professional accomplishments by our student-athletes after they graduate.

## History

UNC Asheville's intercollegiate athletics has participated in NCAA Division I competition since 1986 and has built a wonderful tradition. The school is a member of the Big South Conference and offers 14 sports. For men, the sports include baseball, basketball, cross country, indoor and outdoor track, soccer and tennis. Basketball, cross country, indoor and outdoor track, soccer, tennis and volleyball are offered for women.

Highlights from last year include a Big South Conference men's basketball championship and trip to the NCAA Tournament. The Bulldogs received national exposure when they won their first round game over Arkansas Little-Rock on national television. Last year, sprinter Natalie Pearson competed at the NCAA National Meet and finished 17th in the 200 meters. The volleyball team captured its fifth Big South Conference regular-season championship in the fall of 2009. Our men's basketball team became the first Big South Conference team to ever be selected to the post-season National Invitational Tournament in 2008 after winning the league's regular-season title. The women's basketball team won the 2007 Big South Conference Tournament and advanced to the NCAA Tournament. Our women's tennis team has been honored by the ITA for their work in the class room for three straight years. The women's cross country team was similarly honored last fall.

These efforts are built on earlier successes. The baseball team won the 2006 Big South Conference championship and advanced to its first ever NCAA Regional competition. Women's soccer won the Big South title in the fall of 2006 and made the NCAA Tournament for the first time ever. Other successes include men's basketball being the first team in Big South history to win a NCAA Tournament basketball game. Women's basketball was the most improved team in the country in 2004. In 1984, the women's basketball team made history by winning the NAIA National Championship.

## Facilities

The UNC Asheville Athletics Department offices are located in the Justice Center. The Justice Center houses a 1,100 arena for volleyball and locker rooms plus an indoor swimming pool. The Health and Fitness Center, located next to the Justice Center, has a weight and fitness room, an elevated track, and basketball, volleyball and racquetball courts. Outdoor athletic facilities include Greenwood Fields for soccer and baseball and the Karl Straus Track.

This year the men's and women's basketball team will begin their first year of playing in the new Kimmel Arena which will sit 3,200 fans. Kimmel Arena is part of the Wilma Sherrill Center, which will house academic and outreach programs focused on disease prevention and healthy living. In addition, the Sherrill Center is designed to provide a venue for a wide range of activities, from classes, research and workouts to concerts, health fairs and basketball games.

Renovations to the Karl Straus Track began in the spring of 2009. The UNC Asheville Tennis teams have a new home and that's at the Crowne Plaza Resort, just five minutes away from campus. The Crowne Plaza has six indoor and outdoor courts which gives the Bulldogs, one of the finest tennis facilities in the southeast. In addition, six more outdoor courts will be built in the fall of 2011.

Students have free admission to all home regular season athletics events. More information on UNC Asheville athletics, including home competition dates, is available on the web at [www.uncbulldogs.com](http://www.uncbulldogs.com).

"UNC Asheville's Equity in Athletics Disclosure Act Gender Equity Survey prepared under 34 C.F.R. 668.48(c) is available during normal business hours at the Intercollegiate Athletics Office, located in the Justice Center. The survey contains information about athletic participation rates, and financial support data for men's and women's teams."

# POLICIES AND PROCEDURES

## 1. Residential Education and Housing Operations

### Occupancy

For the purposes of this policy, occupancy begins when the student accepts their room key and terminates when they turn in the key according to proper check-out or room change procedures. During occupancy, the student accepts responsibility for the assigned room. For this reason, it is important that the necessary procedures be adhered to in effecting any changes. It is understood by the resident and the University that they use the assigned room or apartment for no other purpose than as living quarters.

### Check-in/Check-out

Residents must check-in prior to moving into their rooms. At this time they receive their room keys and Room Condition Reports. A Room Condition Report will be filled out by the Resident Assistant and then reviewed by each resident during check-in. Residents will be held responsible at check-out for all damages not listed on the Room Condition Report.

Note: If a resident has not checked in by 8:00 am on the first day of any semester's classes and has not notified the office, the room assignment may be cancelled.

Students will be required to check-out of their rooms at the end of the year and/or any time they vacate the room (i.e., room change or withdrawal). Failure to check-out will result in an improper check-out fee in addition to any charges for damage or failure to return keys.

### Storage

The University does not have facilities to store student property. Please make necessary arrangements to remove all your belongings when you move out of campus housing. Personal property must not be left in rooms over the summer. A listing of local storage facilities is available on-line.

### Room Changes

Freeze Period: Room changes will not be permitted for approximately two weeks after the check-in period. The purpose of this freeze period is (1) to allow time to locate unexpected vacancies so that any students on the waiting list may be notified that housing is available, and (2) to provide a period in which the residence hall population may stabilize.

Change Period: Students will be notified when the freeze period is over and when room changes can be requested. At this time, two days will be set aside for students to move if they have obtained approval. Room changes will not routinely be approved after this time. Unauthorized room changes will result in a fee to each resident involved, and those residents may be required to return to their original room assignments.

### Consolidation

After the beginning of each semester, the staff can contact those students who are in double occupancy rooms without roommates (due to cancellation or withdrawals). Students may choose one of the following options:

- If space allows, keep the room as a single by paying a single room rate.
- Consolidate with another resident who is also without a roommate.
  - \* with this option, the individuals involved decide which student moves.
- Change rooms with a resident who currently holds double occupancy but is willing to pay the single rate. The student wishing to move will be responsible for locating students in double occupancy rooms who are willing to move to a single.
- Stay in the current room and expect a roommate to be assigned at any point during the semester.

Residential Education and Housing Operations staff reserves the right to charge a pro-rated room fee if the resident(s) of a room refuse to accommodate a student who is approved to move in. This charge will be assessed to the remaining resident(s).

## **Vacating the Residence Halls**

All students are required to leave the residence halls during each break period (except fall break) and at the end of each semester within 24 hours after their last examination, or no later than 9:00 AM the day after all University exams are completed, whichever comes first. For specific times and dates, please see the closing schedule publicized each semester on the UNC Asheville Housing website. Exceptions to this policy will be made only under extreme circumstances and must be approved by the Assistant Director of Housing Operations or the Dean of Students. Requests for such stayovers are normally required at least two weeks in advance.

## **Enrollment Status**

In order to live in University housing, a student must be enrolled as a full-time student (12 credit hours or more) during each semester. Exceptions to this policy are for extenuating circumstances and must be approved by the Dean of Students. Any student intending to drop below 12 credit hours must meet with the Dean of Students, who will review the circumstances and outline the risks and consequences of taking this action. The Dean of Students reserves the right to deny the request for a student taking less than 12 hours to remain in the residence halls. Students who are required to vacate their residence hall space may be subject to the full cost of the room rate for the remainder of the semester and the \$750 cancellation fee.

## **Residential Students with 9 to 11 Credit Hours**

Residential students who request to drop to 9 to 11 credit hours or are not performing satisfactorily in 9 to 11 credit hours are required to meet with the Dean of Students to explain the reason(s) for failure to maintain full-time active enrollment and to determine the need for on and/or off-campus support services. Based on review of the appropriate documentation and the outcome of the meeting, at the Dean of Students' discretion (may involve consultation with other professional staff and administrators) a residential student may be asked to leave the residence halls or allowed to complete a 9 to 11 Hour Agreement for special circumstances.

## **Residential Students with Less Than 9 Credit Hours**

Residential students who drop below 9 credit hours or are not performing satisfactorily in at least 9 hours of course work are not allowed to remain in the residence halls. The Dean of Students, upon review of the daily report and/or other appropriate documentation, will immediately notify Residential Education staff of any student who has dropped below 9 hours or has reason to believe the student is not performing satisfactorily and/or attending classes regularly in at least 9 hours of course work. The student will be required to meet with the Director of Residential Education, the Associate Provost for Academic Administration and/or the Dean of Students to determine the nature of the issue. Depending upon the history of the situation, time of the semester and/or reasonable ability for academic recovery, the student may be given a conditional opportunity to try to complete the semester. Should the student not meet the conditions or there be no reasonable chance for academic recovery, the student may be required to leave University housing and/or withdraw from the University. Should this be the case, staff will notify the student immediately to begin making preparations to move out of the residence halls. Upon notification by the staff, the student will have 48 hours (including weekend days) to make arrangements for off-campus housing and remove his or her belongings from the residence hall. Note: reasonable efforts are made to identify students who are not performing satisfactorily in their coursework, however not every student can be identified.

## Room Selection

Room sign-up and assignments for the following year occur each spring for currently enrolled students. Requests for a special building, room and/or roommate will be honored whenever possible for those students who follow the proper room sign-up procedure, but cannot be guaranteed for all housing assignments. The room selection process is published and distributed beforehand to all residents. Students will reserve a room for the next academic year by returning a room request form during the designated room sign-up periods. Cancellation of a room reservation at any time after the form is submitted will automatically generate a room reservation cancellation charge of \$750 to the student's account. This \$750 is non-negotiable, so students should consider their plans carefully before reserving a room. Students who do not request a room assignment during the spring room sign-up will automatically have their housing contract cancelled at the end of spring semester.

## Voluntary and Involuntary Withdrawal from the Residence Halls

When a student withdraws from the residence halls, they must first cancel their housing contract in writing. A residence hall withdrawal request will only be approved if the student has also withdrawn from classes. If you withdraw from all classes, you must check-out of the residence hall within 24 hours. Non-enrolled students and students who are enrolled but are not attending classes will be removed from the residence halls. A room and meal plan refund will be assessed using a refund percentage based on the date of withdrawal. After a certain portion of the semester has passed, no refund will be allotted.

The University reserves the right to suspend a student's housing contract, temporarily or permanently, if the University determines the student is a threat to self or others or is a detrimental disruption to the residence hall community. A student may be denied on-campus housing or have on-campus housing immediately suspended if the University determines that, to be assured of the student's safety or well-being, the student may require more care or supervision than the University can provide in a residence hall environment. As a general rule, no refunds will be given to students whose housing contracts are cancelled due to disciplinary reasons; however, exceptions may be made at the discretion of the Dean of Students.

## Room Damages/Maintenance

Residents are responsible for cleaning their own rooms and bathrooms. When a room is vacated, the residents are responsible for returning the room and its contents to the original condition. Failure to do this will result in a charge to the occupants of the room. When a student checks into an assigned room, they accept responsibility for its condition and review the inventory on the Room Condition Report, which becomes a record for the condition of the room when they assumed occupancy. This record is compared to the condition of the room at check-out. To protect yourself, be sure your Room Condition Report is carefully and accurately completed. If the room or its furnishings, including the doors and windows, are damaged, the costs will be billed equally to all occupants of the room unless those individuals responsible are identified. For example, tape marks, stickers, glue, toothpaste, self-adhesive plastic hooks, nails and screws on varnished or painted surfaces are considered damages. The occupants of a room will be charged for any restorative services (e.g., tape removal, wall washing and/or painting, surface refinishing on room doors, desk, dresser tops, etc.). Charges may be assessed depending on the severity of the damage and posted to the student's account.

## Lockout and Lost Key Policy

Students are locked out of their rooms when they have exhausted all possibilities for locating their room key, including waiting for roommates to return home if the key was left in the room. If a student is locked out, after 8pm, he or she should try to locate their RA or another RA or go to the front desk of the hall for assistance. The front desk staff member

will contact an appropriate Residential Education staff member, who will meet the student at the front desk and unlock the door to the room. Students must have their UNC Asheville OneCard or other appropriate picture identification which can be checked to verify that they are the resident of the room in which they are trying to gain access.

Beginning at 8 AM on Monday through Friday, there is a Residential Education staff member available in the Governors Hall main office to assist with the lockout if the student cannot locate an RA to assist them. On weekends before 8pm, and between the hours of 5pm and 8pm on weekdays, a student can locate one of the building RAs to assist them. If they cannot locate an RA, they can contact the Community Director on call who can then assist them.

Once in the room, the student must locate his or her key and show it to the Residential Education staff member. If the key cannot be found, the RA will submit paperwork for a lock change to the room. The student will be billed for the lock change which is \$75.

The first lockout of each academic year is free of charge. The second lockout costs \$5.00, the third is \$10.00, and the charge will increase by \$5.00 for each additional lockout. Lockout charges are billed to a student's account.

### **Things to keep in mind:**

You will receive a letter reminding you of the importance of safety when you are billed. If any student reaches a fifth lock-out, he or she will receive a letter asking them to schedule a non-disciplinary meeting with their Community Director to discuss their lock outs.

If you have temporarily misplaced your key or have left it at home, tell a staff member. We will work with you to establish a reasonable deadline date for the return of a borrowed key. The borrowed key cost is \$25. Once the key is returned, your account will be credited. You will be advised of the specific deadline for the loaned key's return. If that deadline passes without the loaned key being returned a lock change will be scheduled at your expense, and the borrowed key charge will remain on your account. Please note that during this time period we will not have a key available to assist you if you are locked out.

If you have lost your keys there is a Lost & Found department in Campus Police; please call (828)251-6710 to ask if your keys have been turned in before requesting a lock change.

The cost of a lock change (\$75.00) is always the responsibility of the resident and it applies whether your keys are (key is) lost or stolen.

### **Common Areas**

Common areas (lounges, corridors, recreation areas, etc.) are for the use of everyone in the hall. No individual or group should engage in an activity which inhibits the use of these common areas by other residents unless approved in advance by a Community Director or Housing Office staff. Lounge furniture provided in common areas may not be removed from the area for which it was provided. This furniture is there for the comfort of all residents. If lounge furniture or any displaced University property is found in individual students' rooms, the occupants can be charged the cost of returning the items. This misappropriation fee may be followed by disciplinary action. When damages occur in the common areas of the floor or building, where individual responsibility is difficult to determine, students and staff will work together to determine the most probable source of responsibility. Depending on the circumstances, the University may collectively assess groups, suites or entire floors on a prorated basis for common area damage.

Golden Rule for improving your environment: hold others accountable! Don't be afraid to confront your neighbors and others who hold little respect for your surroundings. If you are uncomfortable with confrontation, let your RA know so they can help.

## Visitation

Residents may have guests during the regulated hours of visitation: Sunday through Thursday from noon to 1 a.m.; Friday and Saturday, noon to 2 a.m. Guests wishing to stay past visitation hours or overnight must follow the Guest Policy (see below).

Note: Governors Hall residents and guests follow the same visitation and guest policies as residents in Founders, Mills, South Ridge and West Ridge Halls. The Governors Village residence halls have 24 hour visitation. The University does not permit cohabitation. Residents of a residence hall floor or Village building may establish stricter visitation regulations by a majority vote at the beginning of each semester.

The Dean of Students reserves the right to designate more restrictive hours in individual rooms if needed to protect the primary rights of any resident.

## Guest Policy

Visitation hours for the Residence Halls are Sunday through Thursday from noon to 1 a.m.; Friday and Saturday, noon to 2 a.m. (All residence halls fall under this policy except Governors Village which has 24-hour visitation.) Residents may have guests (resident student, non-resident student and non-student) only during the regulated hours of visitation unless they are registered as overnight guests. All overnight guests must be registered.

A resident is permitted to register and host only one overnight guest at a time. Guests who wish to stay overnight must be registered by the host with the Night Assistant or Resident Assistant on duty at the front desk of the residence hall. Guests of the opposite sex are permitted to stay as overnight guests, provided they are registered as stated above. A resident host is limited to no more than three consecutive nights of overnight guests and no more than six nights in a thirty (30) day period. All registered overnight guests must have their pass with them at all times and must be escorted by their host at all times in the residence halls. Residents are encouraged to discuss hosting overnight guests with their roommates and suitemates and make it part of their roommate/suitemate agreement. At the beginning of the academic year/semester Residential Education reserves the right to further limit or suspend the overnight guest privileges of a resident due to inappropriate conduct or community living issues. Violation of the Overnight Guest Policy and/or Visitation Policy can result in a violation of the Student Code of Community Standards and can include sanctions including but not limited to a loss of visitation/overnight guest privileges.

Overnight guests parking on campus past 9:00 pm must get a parking permit from Campus Police.

## Maximum Room Occupancy

Due to fire regulations, no more than six (6) individuals should be in Founders, West Ridge, South Ridge, Governors Village or Governors Hall room at one time, and no more than 12 in a Mills Hall suite.

## Firearms/Fireworks

Possession or use, whether open or concealed, of any weapon while on public or private University-owned property is a felony, and a violation of state law, punishable by a fine of up to \$500 or six months imprisonment, or both.

Possession of a Concealed Weapon Permit does not entitle individuals to carry concealed weapons of any kind on University-owned property. Weapons include, but are not limited to, guns, rifles, pistols, explosives, paintball guns, BB guns, bowie knives, crossbows, daggers, switchblade knives, metallic knuckles, throwing stars, or knives of more than six inches when opened.

Weapons, ammunition, fireworks, gasoline, oil and other combustible or explosive materials are not permitted in or around the residence halls. Knives other than those used as kitchen tools are prohibited in the entire residential area. Any student using fireworks

or smoke bombs, or found to be in possession of a weapon may be removed from the residence halls immediately and will be subject to the UNC Asheville Citizenship Education System.

## Window Policy

University Staff are concerned with potentially serious risks regarding windows. Therefore, the following policies have been established:

1. Students caught throwing anything from a window may have their housing contracts suspended and will be subject to further disciplinary action.
2. Under no circumstances are students permitted to place objects on outside window ledges.
3. No objects are permitted outside windows (such as plants, antennae, air-conditioners, laundry, etc.).
4. For health, safety and sanitation reasons, screens are never to be removed from windows.
5. Access to roofs, either through windows or by any other means, is strictly prohibited.

## Electrical Appliances

Residence halls and resident rooms are arranged for compliance with fire regulations as well as individual comfort. The electrical system is not designed to carry heavy loads of equipment, so be careful in your use of electricity.

Because of an increase in the number of fires associated with cooking in residence hall facilities across the state, and concern on the part of the North Carolina Insurance Commissioner's Office, the following standards have been set for the residence halls at UNC Asheville:

1. The following appliances are **approved** for these facilities:
  - a. hot air popper, slow cooker/crock pot, blender, can opener, coffee maker or coffee pot, toaster oven, refrigerator, hair dryer, electric razor, radio or stereo, VCR, DVD player, television and microwave oven.
2. **Prohibited appliances** include:
  - a. regular toaster, open-coil burner or hot plate, deep fat fryer, hot-oil popper, electric skillet or electric wok, electric griddle or grillelectric hamburger cooker, indoor grill or open broiler, and any high-heat appliance or other appliance capable of heating grease to a burning point.
3. Students are not allowed to have personal air conditioners in the residence halls.
4. Refrigerators must be limited to 220 watts of power and must not exceed 10 cubic feet in size. Microwave ovens must be limited to 600 watts of power. Refrigerators and microwaves are provided in all student rooms in Founders, Governors Hall, Governors Village, South Ridge Hall, and West Ridge Hall and in every suite at Mills Hall.

If you have any questions or need additional clarification regarding the appliance policy, you may contact your Resident Assistant or Community Director.

## Power Outages

Power outages can and do occur at any time of the year. While outages at UNC Asheville are not common and power is restored quickly, we encourage students to be prepared. The following are some suggestions for your personal safety and protection of your property:

- Keep a flashlight and batteries in a place where you can easily locate them. In the event of a power failure, there is backup security lighting in most public areas (hallways, stairwells, etc.), but individual rooms can be dark. The University does not provide flashlights or batteries, so students should keep both on hand.
  - o **Candles and lanterns are fire hazards and are prohibited.**
- Always use surge protectors with your electrical equipment (computers, televisions, VCRs, DVD players, stereos, microwaves, refrigerators, etc.)

- Unplug all electrical equipment if you have advance notice of a power outage.
- Treat all alarms as emergencies and follow evacuation procedures.
  - o Residence hall fire alarms are powered so that they still operate when the campus is without electricity.
- If a power outage occurs without advance notice, please report the situation immediately to Campus Police at (828)251-6710.
- In the event of an emergency, call Campus Police or 911.
- <http://www.piersystem.com/go/page/1791/27604/>

## **Halogen Lamp Policy**

The U.S. Consumer Product Safety Commission has documented over 120 fires and multiple deaths due to the use of halogen lamps. Because of this serious concern about safety in the residence halls, UNC Asheville bans the use of halogen bulbs or lamps in the residence halls.

## **Solicitation/Business**

University buildings and/or campus space may not be used to raise money or support for any individual or organization other than officially recognized campus organizations or non-profit charitable organizations with approval from appropriate University administrators.

Students may not operate businesses from their residence hall rooms. A business is defined as any activity involving exchange of goods or services for money or compensation. If you have questions related to this policy, please contact the Director of Residential Education (828) 251-6700.

## **Recreational Equipment**

The use of skateboards, skates, bikes, paint or water guns and similar recreational equipment is prohibited in the residence halls. The use of balls (tennis, golf, soccer, basketball, football, Frisbees, etc.) is also prohibited in the residence halls. Bouncing of balls is a violation of the Noise Policy. Bikes may not be stored in residence hall stairwells, hallways or other public areas. Bike racks are located in each residence hall area. There are covered bike rack locations at Highsmith University Union, Governors Hall, and Ridges parking deck.

## **Animals**

It is against University regulations and North Carolina state law for anyone to bring animals into residence hall rooms or into the residence hall area. Students are permitted to have fish or tropical fish aquariums 10 gallons or smaller in size. Anyone in violation will be subject to disciplinary action, will automatically be assessed a fee, and will be required to remove the animal(s) immediately to avoid additional fines. Students who request accommodation for a guide animal must contact the Disability Coordinator in OneStop and the Director of Housing Operations to determine what accommodation may be available.

## **Snowball Policy**

A number of incidents involving throwing snowballs, ice balls and other objects at individuals and property have resulted in complaints, damage and/or injury. Therefore, the throwing of such objects is prohibited in areas where non-participating individuals must pass by or near snowballs being thrown. It is important that every person be able to go about their business without having snowballs thrown at them. To ensure the safety and rights of the University community and the protection of personal and University property, every effort will be made to positively identify those involved in such incidents, and they will be referred for disciplinary action.

## Posters

Posters for advertisements may be placed only in specified areas, with prior approval from the Director of Residential Education. No posters may be taped to walls or windows unless consent is given, and special non-marking/damaging tape must be used. Students who have posted notices are responsible for taking them down within 24 hours after the advertised event has occurred. The front doors of each building are reserved for official Residential Education and Housing Operations notices only.

## Openings and Closings

### Break Periods

The housing contract specifically states that housing and dining services are not available during Thanksgiving, winter and spring breaks, and those times classes are not in sessions, except fall break. Students must arrange for transportation ahead of time and leave campus by the time the residence halls are closed for breaks, and may not return until the halls reopen.

Closing and reopening times are well publicized, and residents will be notified in advance of each closing. The dates the residence halls are closed for breaks are listed in the UNCA Housing Web site. Please make plans to leave the residence halls by these dates/times. You do not need to take your belongings out of the room during breaks, but you will not have access to your room when residence halls are closed. Housing staff will enter the rooms during breaks to perform housing functions.

Students who request an exception to stay in the residence halls during a period when the halls are closed must submit a written request to the Assistant Director of Housing Operations in advance. If the request is granted, the student will be assessed a daily charge.

Employment does not provide justification to stay in the residence halls during break periods.

### End of Semester and Academic Year

All students must leave within 24 hours of their last exam, but no later than the 9:00 AM the day after classes end, whichever comes first. Students participating in commencement (graduating seniors, marshals, and members of music groups that are performing) must be packed and ready to move out of the residence halls immediately following the commencement ceremony.

### Leaving the Residence Halls

You must leave the residence halls within 24 hours after your last scheduled exam. Your RA will contact you to find out the time of your last exam. If you need to stay longer, you must make special arrangements in advance (approximately two weeks ahead of time) with the Assistant Director of Housing Operations.

### Forwarding Mail

Your first-class mail will be forwarded to the permanent address you have listed with the Registrar's Office (unless you are a UNC Asheville summer resident student). If you want your mail forwarded to a different address, it is your responsibility to notify the Student Mail Center before you leave for the summer or if you leave campus housing permanently.

## Check-Out Procedures

1. Your room should be empty of all your belongings and trash before you check out.
2. You are responsible for:
  - a. Taking down all posters, stickers, and other wall hangings
  - b. Removing all personal rugs and carpet
  - c. Cleaning all surfaces
  - d. Returning furniture to the original position
  - e. Clearing all personal items from the bathrooms
  - f. Cleaning room and bathroom floors.
  - g. Removing all posters and memo boards from the doors
  - h. Cleaning and defrosting all Microfridges®
3. For your protection, Room Condition Reports should be filled out completely.
  - a. RCR should be signed and dated by you and your RA.
  - b. Each category on the RCR should have some comment.
4. For those students who do not check out: "IMPROPER CHECK-OUT" is written in place of your signature
  - a. There is a charge for improper check-out and an additional charge for failure to return any key.
5. Any damages should be settled between residents of the room. If no one takes responsibility, all residents will split the charge(s).
6. Please report any maintenance or repairs that need to be done to [resmaint@unca.edu](mailto:resmaint@unca.edu) so rooms can be prepared for the next occupants.
7. Express check-out forms are provided for your convenience.

## Resident's Rights

### Resident's "Bill of Rights"

When living in a community environment, each UNC Asheville resident possesses certain individual rights and responsibilities which must be held in high regard. The following "Bill of Rights" is intended to define the minimum a resident student can expect.

### Primary Rights

Primary rights of the resident include:

- The right to read and study free from undue interference in one's room. One of the basic purposes of the University is the dissemination and application of knowledge. Unreasonable noise and other distractions inhibit the exercise of this right.
- The right to sleep, the right to one's personal belongings, the right to free access to one's room and suite facilities during the period that the residence halls are open, and the right to a clean environment in which to live.
- Optimum physical conditions are essential, as they support, reinforce and provide positive conditions in which to learn and live.
- The right to redress grievances: If the academic and residence hall communities are to function in the most educationally profitable manner, the right to initiate actions and referrals for impartial and fair adjudication of grievances is held paramount. In exercising this right, the student further holds the right to be free from fear or intimidation, physical and/or emotional harm, and without the imposition of sanctions apart from the due process.

### Subordinate Rights

Subordinate rights of the resident are those which should be protected, unless they infringe on the reasonable exercise of the primary rights defined above. These subordinate rights include:

- The right to personal privacy: All persons should have freedom from interference with

their personal activities, and should be able to maintain privacy for nonacademic reasons.

- The privilege to host guests: All students should have the opportunity to maintain personal contacts and friendships with others to fulfill their needs for socialization. Guests are to respect the above-stated rights of the host's roommates and of other residents. Overnight guests must be registered with the Office of Residential Education. A resident's housing contract is renewable each year, at the discretion of the Office of Residential Education and Housing Operations. The Staff reserves the right to refuse housing to any resident who becomes delinquent in housing payments or who has demonstrated an unwillingness or continual inability to abide by community rules, regulations and policies within the residence hall system.

Note: In order to honor roommate requests for first-year students, the requests must be mutual and in writing (on the housing application, or a note to the office) from both students. We will attempt to honor requests received by May 15.

## General Regulations

The code is outlined in the Student Handbook and is on the University website at <http://housing.unca.edu/citizenship-education>. You are advised to be familiar with this code and act accordingly. Students who are found to be in violation of University and residential education policies and regulations will be held accountable for their behavior in accordance with this code.

## Parental Notification Policy

Under the Family Educational Rights and Privacy Act of 1974 (FERPA) it is permissible for institutions of higher education to notify parents of underage students (under 21) when those students are found responsible for alcohol and other drug-related incidents. For students who are 21 or over, parents will not be routinely notified of alcohol or drug violations. However, parents/guardians will be contacted if a student is determined to be, or to have been at the time of the incident, a danger to themselves, others or property. Parents/Guardians of these students may also be contacted if any incident requires the student to receive emergency assistance or to be transported to the hospital. Any changes to this policy or individual exceptions to this policy may be made by the Vice Chancellor for Student Affairs or their designee.

## Smoking Policy

In accordance with the North Carolina General Administration and the University Smoking Policy, no smoking is allowed in any University building. Smoking is also prohibited within 100 feet of University buildings, outdoor athletic facilities, and outdoor recreation facilities. The only exception to this 100-foot rule is outside University Residence Halls, where outdoor designated smoking areas may be closer to buildings for the purpose of resident safety.

## Residence Hall Inspection and Search Policy

Entry by University employees into occupied rooms of University residence halls is divided into four categories: inspection, search, emergency and non-emergency.

**Inspection** is defined as the entry into an occupied room by University employees in order to ascertain the health and safety conditions in the room, to check on the physical condition of the room, to make repairs, or to clean. Students are expected to maintain their rooms in a state of cleanliness, with floors cleaned and trash emptied regularly. Scheduled inspections by University employees, with the exception of cleaning or repair operations, shall be preceded, if possible, by 24-hour notice to the residents. During the inspection, there will be no search of personal belongings, closets or drawers. University employees include, but are not limited to: Residential Education staff, Housing Operations staff, Stu-

dent Affairs staff, Campus Police officers and Facilities Management staff. All rooms are inspected by staff before each scheduled opening and after each scheduled closing.

**Search** is defined as the entry into an occupied room by Campus Police officers for the purpose of investigating suspected violations of campus regulations and/or local, state, or federal law. Campus Police policy states that officers may enter student rooms with consent, a warrant or probable cause. For more information about room search laws, policies and procedures, students may contact Campus Police at (828) 251-6710.

**Emergency** is defined as any situation that exists where probable cause suggests an emergency situation. This includes but is not limited to:

- Crisis intervention: Potential suicide attempts based on threats, gestures or remarks about suicide.
- Excessive noise or partying that is disruptive to others on the hall and where a lack of cooperative behavior among the residents exists.
- Smell, sound, or information received that would indicate a potential emergency situation.

**Non-Emergency** is defined as any situation that causes concern but does not pose immediate danger. This includes but is not limited to:

- Performance of health and safety inspections by staff
- Performance of well-being checks by staff if a student is reported sick or missing
- Verification whether or not a student's belongings are in a room to determine if a room has been occupied without approval or has been vacated without notice

## Procedure for Search in Residence Hall Rooms

A request for a legal search may be made by the Vice Chancellor for Student Affairs or their designee, the Dean of Students, the Director of Residential Education, Director of Housing Operations, Community Director, or by two Resident Assistants, when reasonable cause exists to suspect that a violation of regulations or state, federal, or local law is occurring or has occurred. Initiating authorities will contact their supervisor(s) and a Campus Police officer, and will request a search. A final decision to proceed will be made in consultation with Campus Police.

## Controlled Substances

### Alcoholic Beverage Policy

1. Students of legal drinking age (21 years of age or older) will be permitted to drink alcoholic beverages in their rooms or if they are an invited guest in another resident's room if that resident is 21 years of age or older.
2. Possession or use of caffeinated alcohol beverages or prepackaged alcoholic beverages designed for rapid consumption of high alcohol volume content are not allowed.
3. Transportation of open alcoholic beverage containers, as well as alcoholic beverages in open containers, will not be permitted in the residence halls.
4. Consumption of alcoholic beverages in residence hall common areas (TV rooms, study rooms, lounge areas, etc.) will not be permitted.
5. Kegs are not permitted in any residence hall area.
6. Students who are not of legal drinking age are not allowed to drink, transport or possess alcoholic beverages at any time.
7. If you are of legal drinking age and choose to drink, you may not drink in any public area or in public view.
  - a. If you are drinking in your room, you should have the door closed so that your use of alcohol is not visible to the public or from a public area.

The University will establish no policy or regulation that sanctions either the use of alcoholic beverages or any action which contravenes state or federal law regarding the

purchase or consumption of alcoholic beverages. North Carolina Alcoholic Beverage Control laws make it unlawful for anyone under 21 years of age to purchase, possess or consume (or for anyone to aid such a minor in purchasing, possessing or consuming) alcoholic beverages. All members of the University community are responsible for obeying state laws indicated above and state laws pertaining to the transportation of alcohol and the consumption of alcohol in public places (General Statutes 18–51). Students are further expected to follow the University’s Alcoholic Beverage Policy as stated in the Student Handbook and Residents’ Handbook. The University discourages drunkenness and other abuses of alcoholic beverages by any person. Being under the influence of alcohol and disorderly is considered a serious breach of conduct, and students who violate these standards are subject to appropriate disciplinary action as outlined in the Student Handbook. The University prohibits consumption of alcohol by persons under 21 years of age.

## **Drug Policy**

Students, faculty members, administrators, and other employees of The University of North Carolina at Asheville are responsible as citizens for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as “controlled substances” in Article 5 of Chapter 90 of the North Carolina General Statutes. For UNC Asheville students, this includes the illegal or abusive use or possession of any other chemical substance, compound or combination. The term “illegal use or possession” means use or possession that is unlawful under either federal or state laws. The term “abusive use” means use of a chemical substance primarily for the recreational purpose of altering one’s mood, emotion, or state of consciousness as opposed to use that has been prescribed for treatment of the user by a licensed health care attendant or that is specified by the manufacturer’s labeling. Any member of the University community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by The University of North Carolina at Asheville. Disciplinary proceedings against a student, faculty member, administrator, or other employee will be initiated when the alleged conduct is deemed to affect the interests of UNC Asheville. Penalties will be imposed for violation of the policies of UNC Asheville only in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees. The penalties that may be imposed range from written warnings with probationary status to expulsions from enrollment and discharges from employment. Every student, faculty member, administrator and other employee of The University of North Carolina at Asheville is responsible for being familiar with and complying with the terms of the policy on illegal drugs adopted by the Board of Trustees. A copy of the full text of the policy appears in the UNC Asheville Policy and Procedures Manual. Summaries of the policy are found in the Faculty Handbook, the Student Handbook and the Employee Guide.

## **Psychological Statement**

The residence halls are not equipped or staffed to effectively support students who may need intense or emergency psychological services. Therefore, students may be required to move out of the residence halls immediately if they harm or threaten to do harm to themselves or other students.

## **Personal Safety**

Resident students are encouraged to be mindful of their personal safety and that of their possessions. Students should lock their rooms at all times and report any concerns for safety and security to both Residential Education staff and Campus Police. Students moving around the campus at night should use caution, travel with friends when possible, stay in well-lighted areas and be aware of their surroundings. There are blue emergency call boxes prominently located throughout the campus for contacting Campus Police in emergencies or for an escort. Campus Police will provide escorts during the day for medical emergencies only. They will provide escorts after dark by request.

## Noise Policy

In order to insure the right to study, read or sleep without interruption from disturbing noise, the following policies have been established:

1. Quiet Hours
  - a. Sunday through Thursday from 9 p.m. to 9 a.m.
  - b. Friday and Saturday nights from 1 a.m. to noon.
    - i. During these hours, doors to the rooms should be closed and all noise from conversations, stereos, televisions, etc., should be contained within the rooms.
  - c. Maintaining quiet hours in the hall is the responsibility of each resident, as well as the residence hall staff. Violations of quiet hours can result in disciplinary action.
  - d. Quiet hours may be extended (but not reduced or shortened) by a majority vote of floor residents.
2. Courtesy Hours are in effect anytime not specifically designated as quiet hours.
  - a. Courtesy hours are a matter of common sense.
    - i. This means that if you are making noise loud enough to disturb your neighbors or be heard outside your room or suite, you are in violation of courtesy hours. Thus, loud stereos, televisions, disruptive conversations and other disturbances will not be tolerated.
  - b. These hours are applicable to noises both inside and outside the residence hall. Organized events and activities are also included in this policy. Violations will result in disciplinary action.
3. Quiet floors observe 24-hour quiet hours, with the exception of Monday through Thursday from 4 to 7 p.m. and Friday and Saturday from noon-midnight. (See Special Living Units.)
4. Musical instruments in residence hall rooms
  - a. Play permitted during the hours of 4 to 7 p.m.
    - i. During these hours, the volume of the instruments should not disturb your neighbors.
  - b. A music practice room is available in West Ridge for use from 4 to 8 p.m. Contact the Community Director or Resident Assistant to reserve this space.

## Emergency Procedures

### Campus Police

Based in Vance Hall, Campus Police officers are on duty 24 hours a day. Any problems concerning public safety, thefts or traffic and parking information should be directed to the Campus Police office. Officers are also available to provide escort services for medical emergencies.

There is a tendency for students to become complacent and less attentive to their own personal safety. Please use common sense. Remember to always lock your door when leaving your room unattended, even if you think you'll only be gone for a few minutes.

Keep your vehicle locked at all times and place valuables out of sight. If you notice anyone who does not belong in the residence halls, report it to Residential Education staff or Campus Police (828) 251-6710.

### After-Hours Emergencies

Resident Assistants and Night Assistants are available to assist you in Founders, West Ridge, South Ridge, Governors Hall and Mills from 8 p.m. until 5 a.m., seven days a week. They are employed to provide security services to the residents of these residence halls by monitoring entrance doors to each building, responding to emergency situations, checking every floor, making note of activity in each building, and checking all exits. The information desks may be reached at (828) 251-6571 Founders, (828) 251-6806 Mills, (828) 251-6300 West Ridge and (828) 251-6893 South Ridge. Residential Education staff may be reached at (828) 989-8752.

## **Fire/Emergency Equipment**

Misuse of fire prevention and control equipment in University buildings has the potential to cause harm, injury and inconvenience to individuals, as well as damage to property. For these reasons, the University supports the following position:

It shall be unlawful for any student to misuse, tamper with, or otherwise disturb without proper cause, any fire prevention and control equipment including, but not limited to, thermal detectors in the ceilings of University buildings, fire alarms or fire extinguishers and sprinkler heads. Any student found guilty of such may be immediately evicted from the residence halls, be held responsible for financial restitution, and be subject to any sanction imposed by the student judicial code. (Students evicted from the residence halls receive refunds in accordance with stated University policy.) The guilty party may also be subject to prosecution in the local court system.

## **Evacuation Procedure**

Fire drills will be conducted at least once per semester. These drills are for your safety; please take them and all alarms seriously and follow the procedures in your building including evacuation locations, as outlined by your Resident Assistant. Failure to evacuate a building when required will result in disciplinary action.

## **Medical Emergency**

Should any medical emergency arise, contact a Community Director, Resident Assistant or the Night Assistant on duty. These persons will follow the proper procedures to get help. Students may also contact the Student Health Center at (828) 251-6520 between 8:30 a.m. and 5 p.m., Monday through Friday. Campus Police can be contacted by calling 251-6710.

## **Securing of Buildings/Access Control**

For the security of our residents, each residence halls are locked at all times. Resident students can access their halls through the main entrances by using their On-eCards. Guests must be escorted by a residential student in order to obtain access to the residence halls. After 8 p.m. and before 5 a.m., guests must sign in upon entry at the front desk of each area, except in Governors Village. Contact your Resident Assistant for more information concerning closings.

Founders Hall has a second floor, main lobby entrance, as well as three sets of doors on the first floor. The glass doors by the first-floor elevator are open from 5 a.m. to 8 p.m. for Founders Hall residents via card access. Residents and guests in Mills Hall, West Ridge Hall and South Ridge Hall are to enter and exit through the main lobby doors only. All first floor doors in Mills Hall, West Ridge Hall and South Ridge Hall are for emergency and service use only. Exceptions to this policy will be made as needed by the Dean of Students.

Between 8 p.m. and 5 a.m., resident students must show a UNC Asheville ID card to enter Founders Hall, South Ridge Hall, West Ridge Hall, Governors Hall or Mills Hall. Students will receive a warning letter after forgetting their UNC Asheville ID six times and will be subject to disciplinary action after twelve infractions.

Visitors may enter with an approved overnight guest pass or by checking in at the desk and leaving a form of photo identification, such as a driver's license, school ID military ID. Visitors must exit the residence halls according to the stipulated hours of visitation unless they have obtained approved overnight guest passes.

Persons found propping open any secured doors are subject to disciplinary action and/or eviction from the residence halls.

## Important Phone Numbers:

Ambulance/Emergency	(828) 251-6710
After-Hours Residential Education Staff	(828) 989-8752
Campus Police	(828) 251-6710
Health Services	(828) 232-6520
Counseling Center	(828) 251-6517
Maintenance Request	resmaint@unca.edu
Residential Education & Housing Operations	(828) 251-6700
Founders Hall Lobby	(828) 251-6571
Mill Hall Lobby	(828) 251-6806
South Ridge Lobby	(828) 251-6893
West Ridge Lobby	(828) 251-6300
Housing & Residential Education website	<a href="http://housing.unca.edu/">http://housing.unca.edu/</a>

## 2. Student Code of Community Standards

### I. PREAMBLE

The University of North Carolina at Asheville, in honor of its rich liberal arts tradition, takes pride in a commitment to learning, creativity, diversity, engaged citizenship, equity, trust and integrity. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by The First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place and manner of exercising these and other constitutionally protected rights.

All students, as integral members of the UNC Asheville community, are responsible for conducting themselves in a manner which enhances an environment of learning in which the rights, dignity, worth and freedom of each member of the academic community are respected and consistently represents the University in a positive light. To that end, responsible citizenship includes an expectation that members actively participate in behavior that complements and upholds the values and mission of UNC Asheville. Members of the University community are expected to engage in conduct that contributes to the culture of integrity and honor upon which University of North Carolina at Asheville is grounded.

### II. JURISDICTION

The Student Code of Community Standards shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, before classes begin and after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if relevant conduct is not discovered until after a degree is awarded). The Dean of Students shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

### III. AUTHORITY

The Code of the University of North Carolina, Section 502 D(3) states: subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process.

At UNC Asheville, the Chancellor has designated the Vice Chancellor for Student Affairs as the officer responsible for the policies related to student conduct. The Vice Chancellor for Student Affairs has, in turn, designated the Dean of Students as the person responsible for the administration of this code.

The dean shall determine the composition of committees/boards and appeal bodies and determine which body shall be authorized to hear each case. The dean shall develop policies for the administration of the community standards and citizenship education program and procedural rules for the resolution of cases which are consistent with the provisions of this code.

The Citizenship Education Coordinator is the person designated by the dean to be the primary case manager for all violations of this code.

A citizenship education committee may be designated as arbiter of disputes within the student community in cases which do not involve a violation of this code. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

#### **IV. SPECIFIC STUDENT COMMUNITY STANDARDS**

Any student found to have committed or to have attempted to commit the following misconduct has violated the Student Code of Community Standards and is subject to the Citizenship Education Process:

A. Acts of dishonesty, including but not limited to the following:

1. Cheating, plagiarism, or other forms of academic dishonesty. (Note: Academic dishonesty cases from faculty are normally processed through the Academic Honesty Policy)
2. Furnishing false information to any University official, faculty member, or office.
3. Forgery, alteration, or misuse of any University document, record, or instrument of identification.

B. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.

C. Physical abuse, threats, intimidation, harassment, coercion, and/or any other conduct which threatens or endangers the health or safety of any person. Includes but is not limited to:

1. Conduct which threatens, coerces, harasses or intimidates another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status.
2. Unlawful harassment which leads to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:
  - a. directed toward a particular person or persons;
  - b. based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status;
  - c. unwelcome;
  - d. severe or pervasive;
  - e. objectively offensive;
  - f. so unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

D. Damage to or attempts to damage property of the University, member of the University community or other property owned by other persons. This includes but is not limited to:

1. Vandalism
  2. Theft
  3. Littering
- E. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, or any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
- F. Failure to comply with directives of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- G. Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.
- H. Violation of any University policy, rule, or regulation, including but not limited to:
1. Residential Education and Housing Operations policies (see the Resident's Handbook)
  2. University Sexual Harassment Policy (see no. 10)
  3. University Smoking Policy (see no. 7 )
  4. University Solicitation Policy (see Section 5 of the UNC Asheville Policy and Procedure Manual)
- I. Violation of any federal, state or local law.
- J. Use or possession of marijuana, narcotics or other controlled substances (as set forth in the North Carolina General Statutes); or; the illegal or abusive use or possession of any other chemical substance, compound or combination. The term "illegal use or possession" means use or possession that is unlawful under either federal or state laws. The term "abusive use" means use of a chemical substance primarily for the recreational purpose of altering one's mood, emotion, or state of consciousness as opposed to use that has been prescribed for treatment of the user by a licensed health care attendant or that is specified by the manufacturer's labeling. This includes but is not limited to:
1. Possession or use of drug paraphernalia.
  2. Possession or use of Schedule I or II controlled substance.
  3. Possession or use of Schedule III – VI controlled substance.
  4. Possession with intent to manufacture, distribute or sell narcotics or other controlled substances.
  5. The illegal or abusive use or possession of any other chemical substance, compound or combination.
- K. Use, possession, manufacturing, or distribution of alcoholic Beverages, except as expressly permitted by law and University regulations,, which includes the Alcohol Policy and BYOB policy) . Prohibited conduct also includes but is not limited to: public intoxication; possession or use of caffeinated alcohol beverages; and possession or use of prepackaged alcoholic beverages designed for rapid consumption of high alcohol volume content.
- L. Illegal or unauthorized possession of harmful or dangerous items on University premises, including but not limited to:
1. Firearms
  2. Other weapons
  3. Fireworks
  4. Explosives
  5. Dangerous chemicals or biological agents
- M. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentional obstruction which

- interferes with freedom of movement, either pedestrian or vehicular, on campus.
- N. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- O. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community.
- P. Violation of Fire Safety Policy, including but not limited to:
1. Failure to properly evacuate during a fire alarm.
  2. Intentional sounding of a fire alarm without cause.
  3. Improper use of fire prevention equipment.
  4. Unauthorized setting of fires on university premises.
- Q. Sexual misconduct, including but not limited to:
1. Sexual assault: engaging in vaginal, oral or anal intercourse with, or inflicting other sexual invasion upon, any person without that person's 'effective consent'. "Other sexual invasion" is defined as the intentional touching of an unwilling person's genitalia, groin, breast, buttock or clothing covering them, or forcing a person to touch another's intimate parts as listed above. An action is "without that person's effective consent" when it is inflicted upon a person who has not given words or actions that indicate an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent is not given when it is in response to force or threat of force or when a person is incapacitated by the (voluntary or involuntary) use of drugs or alcohol or when the person is otherwise physically helpless (including when asleep). Similarly, silence does not constitute consent and that a person is not required to physically resist sexual conduct in order to show lack of consent.
  2. Sexual exploitation: taking nonconsensual, unjust or abusive sexual advantage of another for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; even if that behavior does not constitute rape, sexual assault or sexual harassment.  
Examples of Sexual Exploitation include but are not limited to prostituting another person; nonconsensual sexually-oriented photographing of another person; video or audio taping of sexual activity without the participant(s)'s effective consent; going beyond the boundaries of consent, such as allowing others to observe sexual activity without the consent of a partner; engaging in voyeurism; and inducing incapacitation with the result of inflicting sexual misconduct on another person or with the result of creating opportunity for a third party to inflict sexual misconduct on another person.
  3. Sexual Harassment: Sexual harassment is considered prohibited conduct as stated in Section IV.C. of the Student Code of Community Standards and UNC Asheville Sexual Harassment Policy) Depending upon the nature and severity of the harassment, it may also qualify as sexual misconduct.
- R. Any Violation of the Computer Use Policy.
- S. Abuse of the Community Standards and Citizenship Education Process, including but not limited to:
1. Failure to obey the notice from a Citizenship Hearing Board or University official to appear for a meeting or hearing as part of the Citizenship Education Process.
  2. Falsification, distortion, or misrepresentation of information before a committee or other standards body.
  3. Disruption or interference with the orderly conduct of a Community Standards and Citizenship Education proceeding.
  4. Institution of a Community Standards complaint without cause.
  5. Attempting to discourage an individual's proper participating in, or use of, the Community Standards and Citizenship Education Process.
  6. Attempting to influence improperly influence the Citizenship Education Process,

- its members, and/or its participants.
- 7. Harassment (verbal or physical) and/or intimidation of a member of a Hearing Board prior to, during, and/or after a Citizenship Education proceeding.
- 8. Failure to comply with a directive from the Citizenship Education process.
- 9. Failure to comply with the sanction(s) imposed under the Code.
- 10. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
- T. Any violation of the Code by one's non-university guest. "Guest" is defined as any nonstudent present on University premises at the invitation and/or hosting of the student.
- U. Aiding or abetting any prohibited conduct listed above.

## **V. CITIZENSHIP EDUCATION PROCESS**

The goal of Community Standards is to create an environment which promotes the living and learning environment of the University in support of its mission, vision and values. The Citizenship Education Process exists to address issues of misconduct in an educational and value based format which addresses the behavior and provides for sanctions designed to hold offending students responsible for their conduct, to prevent future recurrence, to provide resources for support of modified behavior, to assist the student(s) in reflective learning, and to restore the community impacted by the misconduct.

- A. Any member of the University community may file, with the Citizenship Education Coordinator, a written complaint alleging a violation of this Code; the complaint should include factual information supporting the allegation. A complaint should be submitted as soon as possible after the event takes place, preferably within 30 days of the alleged violation.
- B. The Citizenship Education Coordinator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively, such as by mutual consent of the parties involved on a basis acceptable to the Citizenship Education Coordinator. (Note: alleged violations of the Sexual Misconduct and Sexual Harassment Policy will follow similar adjudication procedures; however certain interim actions and accommodations may be implemented as stated in the policy.) This determination should be made within thirty (30) calendar days after the filing of the complaint. Such disposition shall be final and there shall be no subsequent proceedings. The charged student will receive written confirmation of the administrative disposition of the case and a copy of the correspondence will become part of the student(s) disciplinary file. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Citizenship Education Coordinator may later serve in the same matter as a Committee/Board or a member thereof. If the student admits violating the Code, but does not agree to the sanctions proposed by the Citizenship Education Coordinator, then subsequent process, including a committee/board if necessary, shall be limited to determining the appropriate sanction(s).
- C. If there is not mutual consent to resolve the charges administratively, the Citizenship Education Coordinator will discuss the citizenship education process in further detail; inform the student as to the nature of the incident report and the alleged misconduct, and forward copies of the relevant documentation. The Citizenship Education Coordinator will determine, based on the charges, if the case should be forwarded to a Citizenship Hearing Board. A board can be comprised of a single member or a panel.
  - \*For alleged sexual misconduct cases, both the accused student and the complainant retain the same rights as stated in the Citizenship Education process, which includes but is not limited to: the ability to review documentation to be presented, to be present for the hearing and to appeal hearing decision.
- D. No less than five days prior to the hearing, the accused student will receive in writing\* (via hard copy letter or email to the accused student's UNC Asheville email address), the notice of the charges, which shall (a) set out the rule or rules which have been

allegedly violated; (b) state the alleged action or behavior; (c) list the names of any persons who have been identified as having pertinent information and will be notified to attend the hearing as witnesses; (d) state the format of the citizenship education proceeding; (e) the date, time and location of the hearing and membership of the board; advise the student of his or her rights and of the hearing procedure (this can be done with a reference to the Student Code) including the right to request the removal of any board member who is actually biased against an accused student or a student claiming to be a victim of an accused student's actions; (f) inform the student if suspension or expulsion is a possible sanction in the case. A request to remove a board member must be made in writing at least two (2) days prior to the hearing (?) and must include the basis for the claim of bias. The Dean of Students shall evaluate the removal request and render a decision within five (5) days of the removal request. The Dean of Students may postpone the hearing until a determination on the removal request has been made.

\* For cases where the potential sanction is less than University suspension or expulsion, the accused student can waive receiving the information in writing and receive the information verbally in person.

- E. A time shall be set for the hearing no less than ten (10) nor more than fifteen (15) class days after the student has been notified. The accused student may request an earlier hearing date, should they want to expedite their hearing. The waiver must be in writing and directed to the Citizenship Education Coordinator. Maximum time limits for scheduling of hearings may be extended at the discretion of the dean of students.
- F. The accused student may review, in advance of the hearing, any written documentation that will be used at the Citizenship Education Hearing. This documentation is provided to help the student prepare for the hearing and is FERPA protected and cannot be released or shared with a third party except as permitted by FERPA.
- G. Citizenship Hearings shall be conducted by a Citizenship Education Board according to the following guidelines except as provided below:
1. Citizenship Hearings are considered closed to the public.
  2. The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Citizenship Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. An advisor plays no active role in the process and is not permitted to address any participants in the process other than their advisee. An attorney is not permitted to be an advisor except where the accused student is facing criminal charges from the same incident(s).
  3. The complainant (at the discretion of the Dean), accused student, the victim student (at the discretion of the Dean), and their advisors, if any, shall be allowed to attend the entire portion of the Citizenship Hearing at which information is received, but will not be allowed to attend deliberations of the board. Admission of any other person to the Citizenship Hearing shall be at the discretion of the Citizenship Education Coordinator and/or Dean. Should the complainant and/or the accused student choose not to attend the hearing, the process will continue even in their absence.
  4. In Citizenship Hearings involving more than one accused student, the Citizenship Education Coordinator, in his or her discretion, may permit the Citizenship Hearings concerning each student to be conducted either separately or jointly.
  5. The complainant, the accused student and the Citizenship Hearing Board may arrange for witnesses to present pertinent information to the case at hand. The University will try to arrange the attendance of possible witnesses who are members of the UNC Asheville community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Citizenship Hearing. Witnesses will provide information to and answer questions

- from the Citizenship Hearing Board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This questioning will be conducted by the Citizenship Hearing Board, by directing questions to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Citizenship Education Hearing Board.
6. Pertinent records, materials, and written statements may be accepted as information for consideration by a Citizenship Hearing Board at the discretion of the chairperson. Victim impact statements can be presented to the Chairperson but will not be considered until the sanctioning phase of the hearing process.
  7. All procedural questions are subject to the final decision of the chairperson of the Citizenship Hearing Board.
  8. At the conclusion of the portion of the Citizenship Hearing in which all pertinent information has been received, the Board will go into closed deliberations, and all individuals who are not part of the board will be excused. The Board shall then determine (by majority vote if the Hearing Board consists of more than one person) whether the Accused Student has violated each section of the Student Code of Community Standards which the student is charged with violating.
  9. The Citizenship Hearing Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.
  10. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings
  11. There shall be a single verbatim record, such as a tape recording, of all Citizenship Hearings excluding the period of the Board's deliberations. The record shall be the property of the University.
  12. The Citizenship Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students to be appropriate.
  13. The findings of the Citizenship Hearing Board shall be provided to the accused student in writing within ten (10) business days of the decision and shall include the final administrative decision, as well as the assigned sanctions (if any) and the process for appeal (may be done with a reference to the appropriate section in the Citizenship Education process).
  14. If the Citizenship Education Board or hearing officer should determine that expulsion is the appropriate sanction, that finding must be in the form of a written recommendation to the Vice Chancellor for Student Affairs, who makes the final administrative decision in all expulsion cases. The final administrative decision must be made within forty-five (45) calendar days, and transmitted in writing to the student within ten (10) calendar days of the decision.

#### H. Sanctions

1. The following sanctions, either singularly or in combination, may be imposed upon any student found to have violated the Student Code of Community Standards:
  - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation—A written reprimand for violation of specified regulations, along with a designated period of time during which more severe disciplinary sanctions are possible if the student is found to violate any institutional regulation(s).
  - c. Loss of Privileges—Denial of specified privileges for a designated period of time.

- d. Educational Outreach Assessments—previously established and published financial sanctions which may be imposed.
- e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Educational Activity Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
- g. Other sanctions – other sanctions can consist of community service, assessments, counseling or other activity deemed necessary or beneficial.
- h. Residence Hall Relocation – Relocation of the student from his or her current assigned residential space to a new assignment to be determined by the Citizenship Education Coordinator.
- i. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- j. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
- k. University Suspension – Separation of the student from The University of North Carolina, and each of the UNC constituent institutions, for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. All University Suspensions shall be added to The University of North Carolina Suspension and Expulsion Database. A student may not earn credit for transfer to the University of North Carolina at Asheville during his or her period of suspension.
- l. University Dismissal – Separation of the student from The University of North Carolina, and each of the UNC constituent institutions, for an indefinite period of time. Conditions for readmission may be specified. All University Suspensions shall be added to The University of North Carolina Suspension and Expulsion Database. A student may not earn credit for transfer to the University of North Carolina at Asheville during his or her period of dismissal.
- m. University Expulsion – Permanent separation of the student from The University of North Carolina and each of the UNC constituent institutions. All University Suspensions shall be added to The University of North Carolina Suspension and Expulsion Database.
- n. Revocation of Admission and/or Degree
  2. More than one of the sanctions listed above may be imposed for any single violation, in addition to sanctions that may be imposed upon individual students for taking part in a group's misconduct.
  3. The following sanctions may be imposed upon groups or organizations:
    1. Those sanctions listed above.
    2. Loss of selected rights and privileges for a specified period of time.
    3. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.
  4. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall suspension, residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Dean of Students. Cases involving the imposition of sanctions other than residence hall suspension, residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student's record in compliance with office records destruction policy.
  5. In situations involving both an accused student(s) (or group or organization)

and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

## **VI. INTERIM SUSPENSION**

In certain circumstances, the Dean of Students, or a designee, may impose a University or residence hall suspension prior to the Citizenship Hearing.

- A. Interim suspension may be imposed only:
  1. to ensure the safety and well-being of members of the University community or preservation of University property;
  2. to ensure the student's own physical or emotional safety and well-being; or
  3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
- B. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students, or a designee may determine to be appropriate.
- C. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Citizenship Hearing, if required. Depending upon the nature of an alleged violation, other interim actions can be imposed, such as interim relocation in the residence halls, that, in the opinion of the Dean of Students are necessary to protect the safety of the University community or any of its members or to prevent interference with University operations.

## **VII. VIOLATION OF CRIMINAL OR CIVIL LAW AND UNIVERSITY CODE**

- A. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal or civil law as well as this Code (that is, if violations of civil or criminal law, as well as violations of this code, are alleged to result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may, at the discretion of the Citizenship Education Coordinator, be carried out prior to, simultaneously with, or following civil or criminal proceedings that are conducted off-campus. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant, or because of any particular result of civil actions arising from the same factual situation.
- B. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under this Code, the University may advise off-campus authorities of the existence of this Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## VIII. APPEALS

### A. Appeals for cases where the sanction does not include University Suspension or Expulsion

1. A decision reached by the Citizenship Hearing Board may be appealed by the accused student(s) to the Dean of Students within five (5) school days of the accused student(s) receipt of notice of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or his or her designee. In cases of sexual misconduct, the complainant has the same appeal abilities as the accused student.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Citizenship Hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the Citizenship Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice resulted.
  - b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Community Standards which the student was found to have committed.
  - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Citizenship Hearing.
3. The Dean of Students will respond in writing to the appeal within ten (10) days of receipt. If an appeal is granted by the Dean of Students, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the original Citizenship Hearing Board for re-opening of the case to allow reconsideration of the original determination and/or sanction(s); return of the case to the Citizenship Education Coordinator for a new hearing. If the appeal is denied, the sanctions are active and the accused student must abide by their terms.
4. Should the accused student wish to appeal the Dean's decision, the appeal must be made in writing to the Vice Chancellor for Student Affairs, and must be received by the Vice Chancellor within five (5) days of the student's receipt of the Dean's decision. If an appeal is granted by the Vice Chancellor, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the original Citizenship Hearing Board for re-opening of the case to allow reconsideration of the original determination and/or sanction(s); return of the case to the Citizenship Education Coordinator for a new hearing. The Vice Chancellor is the final level of appeal.
5. If an appeal is denied, the student must comply with the original sanctions. If the imposed deadlines for sanctions need modifications in light of the duration of the appeal process, the student must make the request for an extension in writing to the Citizenship Education Coordinator within two (2) business days of the appeal findings.

### B. Appeals for cases where the sanction includes University Suspension, or Expulsion

1. A decision reached by the Citizenship Hearing Board or a sanction imposed by the Citizenship Education Coordinator may be appealed by the accused student(s) to the Dean of Students within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or his or her designee. Also, the accused student MUST deliver to the Dean of Students a

- written intent to appeal within forty-eight hours of receipt of the Board's decision.
2. Appeals shall be limited to a review of the verbatim record of the citizenship education hearing and supporting documents for one or more of the following purposes:
    - a. To determine a violation of due process
    - b. To determine whether there was a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. (can be found at: [http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual\\_700\\_4\\_1.htm](http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual_700_4_1.htm)).
  3. The Dean of Students will respond in writing to the appeal within ten (10) days of receipt of the written appeal. If an appeal is granted by the Dean of Students, the matter may be addressed in one of the following ways: remand of the case to the original Citizenship Hearing Board for re-opening of the case or return of the case to the Citizenship Education Coordinator for a new hearing.
  4. Should the accused student wish to appeal the Dean's decision, the appeal must be made in writing to the Vice Chancellor for Student Affairs, and must be received by the Vice Chancellor within five (5) days of the student's receipt of the Dean's decision. If an appeal is granted by the Vice Chancellor, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the original Citizenship Hearing Board for re-opening of the case or to return of the case to the Citizenship Education Coordinator for a new hearing.
  5. Should the accused student wish to appeal the Vice Chancellor's decision, the appeal must be in writing to the UNC Asheville Board of Trustees, and must be received by the Board within five (5) days of the student's receipt of the Vice Chancellor's decision. If an appeal is granted by the Board of Trustees, the matter may be addressed in one of the following ways: remand of the case to the original Citizenship Hearing Board for re-opening of the case or return of the case to the Citizenship Education Coordinator for a new hearing.
  6. If an appeal is denied, the student must comply with the original sanctions. If the imposed deadlines for sanctions need modifications in light of the duration of the appeal process, the student must make the request for an extension in writing to the Citizenship Education Coordinator within two (2) business days of the appeal findings.

## **IX. INTERPRETATION AND REVISION**

- A. Any question of interpretation or application of the Student Code of Community Standards shall be referred to the Dean of Students or his or her designee for final determination.
- B. The Student Code shall be reviewed every 2 years under the direction of the Citizenship Education Coordinator and/or Dean of Students.

## **X. DEFINITIONS**

- A. The term "University" means the University of North Carolina at Asheville.
- B. The term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. A student who violates the Student Code, who is not officially enrolled for a particular term but has a continuing relationship with the University or has been notified of their acceptance for admission is considered a "student" as are persons who are living in University residence halls, although not enrolled in this institution.
- C. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- D. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students.

- E. The term “University premises” includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the University (including adjacent streets and sidewalks).
- F. The term “code” refers to the University of North Carolina at Asheville Code of Community Standards.
- G. The term “organization” means any number of persons who have complied with the formal requirements for University recognition/registration.
- H. The term “Citizenship Administrator” means any person or persons authorized by the dean to determine whether a student has violated the Student Code and to recommend and/or impose sanctions that may be imposed when a rules violation has been committed.
- I. The term “Citizenship Education Coordinator” refers to the university official designated with case management or his/her designee.
- J. The term “Committee/Board” refers to the formal administrative hearing proceedings to resolve cases of alleged misconduct, whose compliment may be composed of faculty, staff and students.
- K. The term “vice chancellor” means the Vice Chancellor for Student Affairs and any designee.
- L. The term “dean” means the Dean of Students or any designee.
- M. The term “appellate body” means any person or persons authorized by the Dean of Students to consider an appeal from a committee/board determination as to whether a student has violated the Code or from the sanctions imposed by the Citizenship Hearing Board.

### 3. Student Rights and Responsibilities

#### Delegation of Authority

The Constitution of the State of North Carolina, Article IX, Section 8. states that “the General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and other public institutions of higher education.”

In a special session in 1971, the General Assembly reorganized the state’s system of higher education by placing all 16 of its Institutions under one Board of Governors as The University of North Carolina. All 32 members of the board are elected by the General Assembly. Legislation provides that the Board of Governors shall be responsible for the general determination, control, supervision, management and governance of all affairs of the constituent institutions. For these purposes, the board may adopt such policies and regulations as it deems wise.

Each of the 16 constituent institutions has a Board of Trustees that advises and answers to the Board of Governors. Each board includes eight members elected by the Board of Governors and four appointed by the governor of North Carolina, The presidents of the respective student governments are members ex officio, with full rights and privileges.

Pursuant to its statutory authority, the Board of Governors has adopted a document titled The Code of The University of North Carolina. The Code is composed of nine chapters that outline the policies for management of the University as a whole and for each of the constituent institutions.

Chapter V, Section 501.A of the Code states that The President of The University of North Carolina shall be the chief administrative and executive officer of the University. (See General Statutes 116-14 [a].) According to both Code and statute there is a Chancellor at each of the 16 constituent institutions. Chapter V, Section 502.A of the Code states

that the administrative and executive head of each constituent institution shall be the Chancellor, who shall exercise complete executive authority therein, subject to the direction of the President. The Chancellor shall be responsible for carrying out policies of the Board of Governors and of the Board of Trustees. (See General Statutes 116-34[a].)

## **Responsibilities of the Chancellor**

Among the various responsibilities of the chancellor, the Code provides in Chapter V, Section 502.D (3) that: "Subject to any policies or regulations of the Board of Governors or of the Board of Trustees, it shall be the duty of the chancellor to exercise full authority the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds:

1. a violation of due process; or
2. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

Where the sanction is suspension or expulsion, an appeal may be made to the board of trustees. No appeal to the president is permitted. When the sanction is expulsion, the final campus decision is appealable to the Board of Governors.

## **Rights of Students**

Students who apply for admission to UNC Asheville and are subsequently admitted are not enrolled as a legal or constitutional right. Authority to determine academic admission standards is delegated to the boards of trustees and the chancellor. When a student is admitted to UNC Asheville, he or she accepts the rules, regulations and procedures that apply to the campus. Students attend UNC Asheville as a voluntary act and accept substantial benefits which the state of North Carolina provides. In taking such action, and accepting the benefits which accrue, students must accept the rules and regulations that have been developed pursuant to law.

Upon enrollment, a student receives no sanctuary from obedience to law. In addition to the federal, state and local laws that pertain to all citizens, a student must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established. The student does not, however, lose constitutional or legal rights by an act of voluntary enrollment. The Code of the University of North Carolina specifically refers to the important right of a fair hearing and due process. Federal and state statutes and court cases have established certain student rights which are not to be infringed upon, except in situations which are themselves outlined in law and court procedures. Among these are:

1. No student may be denied access to university facilities or programs on the basis of race, color, creed, religion, sex, national origin, age or disability.
2. No student may be denied the protection of the First Amendment of the Constitution of the United States and Article I of the Constitution of the State of North Carolina, which refer to freedom of speech, freedom of religion, freedom of the press, and freedom to assemble peacefully.
3. No student may be denied the continuance of his or her education for disciplinary reasons without due process.

## Affirmation of Student Rights

Affirmation of Student Rights. (Excerpt from the Constitution of the Student Body of the UNC Asheville)

- Students shall have the right of free expression. This shall include but not be limited to the freedoms of speech, religion, press, peaceful assembly, petition and choice of personal appearance.
- Students shall have the right to pursue an education to the best of their abilities and shall not be withheld this right without legal justification and due process.
- Students shall have the right to inquire about all university policies and of their origin.
- Students shall have the right to form officially recognized organizations within the guidelines of the university. Students shall also retain the right to apply for admission to any student organization free from discrimination, given that they meet the organization's stated official qualifications.
- Students shall retain the right to read, rest and study free from undue interference. They shall have the right to their personal belongings and personal privacy.
- All rights shall not be construed to deny or infringe upon other rights retained by the students.
- In the case that any student's rights are violated, they shall retain the right to use all legal means available to redress the grievance in all matters.

## 4. Student Complaints

The University of North Carolina at Asheville has established accessible policies and procedures for the filing and review of student complaints and grievances. These policies and procedures are defined in the Student Handbook, the University Catalog and on Student Affairs and Academic Affairs Web pages. Hard copies of the Student Handbook are available at the Highsmith Union information desk. Hard copies of the University Catalog are available at both the OneStop Student Services and Admissions offices in University Hall.

Where a student should go to file a complaint depends upon whether the complaint concerns academic or non-academic matters. In practice, student concerns, complaints or grievances are directed to one of two student ombudsmen. The Assistant Provost for Academic Administration is generally the first point of contact for academic student complaints and the Dean of Students is generally the first point of contact for non-academic student complaints. However, regardless of the initial contact, the two student ombudsmen work closely together and direct students to the appropriate complaint procedure and involve any other appropriate departments. Students may also institute complaints to the personnel involved in the procedure or action that yielded the complaint. For example, instructional matters are typically handled first by the class instructor, and then progressively by the department chair, the dean and the Provost if needed. Each office that receives student complaints will maintain a record of those complaints and their resolutions.

Listed below are contact information or web addresses to help students address specific complaints or grievances.

Academic complaints/grievances/  
Residency Appeals

Assistant Provost for Academic Administration  
University Hall (lower level)  
<http://www2.unca.edu/onestop/>  
<http://catalog.unca.edu/>  
828-350-4500 or [onestop@unca.edu](mailto:onestop@unca.edu)

Disabilities Complaints

Assistant Provost for Academic Administration  
University Hall (lower level)  
828-350-4500  
<http://www.unca.edu/disabilityservices/>

Other Academic Service complaint procedures and contacts can be found at [http://www2.unca.edu/onestop/appeal\\_complaint.htm](http://www2.unca.edu/onestop/appeal_complaint.htm)

Non-Academic complaints/grievances: Dean of Students  
Governors Hall  
828-250-2370  
[dos@unca.edu](mailto:dos@unca.edu)

## 5. Academic Misconduct and Grievance Procedures

### Plagiarism/Cheating (SD 43965)

As a community of scholars dedicated to learning and the pursuit of knowledge, UNC Asheville relies on the honesty and academic integrity of all the members of its community. Any act of plagiarism or cheating is academic dishonesty. A person who knowingly assists another in cheating is likewise guilty of cheating. According to the instructor's view of the gravity of the offense, a student may be punished by a failing grade or a grade of zero for the assignment or test, or a failing grade in the course. If it seems warranted, the instructor may also recommend to the Vice Chancellor for Academic Affairs (VCAA) dismissal or other serious University sanction.

A student accused of academic dishonesty should talk with his or her instructor. In all situations where a student has been disciplined for plagiarism or cheating, the instructor is to submit to the VCAA a brief statement of the case; the student is to receive a copy of this document. Depending upon the severity and/or repetition of the offense, the VCAA may choose to impose a penalty of cancellation of graduation with honors; cancellation of scholarships; dismissal from the university; or any other penalty which he or she deems logical and deserved. A student has 10 class days to respond to this document, in writing; this response is to be sent to the VCAA for attachment to the document submitted by the instructor.

The student may choose to contact the Faculty Conciliator, who will advise the student of his or her rights, and attempt to mediate between the student and the instructor before proceeding to bring the case before the Academic Appeals Board. If the student is satisfied with the results of this mediation, then the formal hearing before the Board will not take place. The request for this formal hearing must be made by the student within ten class days of receiving the copy of the instructor's statement to the VCAA.

### Policy on Academic Misconduct (SD 2282)

Charges of Academic Misconduct. In the event that an instructor accuses a student of academic misconduct, the student has the right to a hearing to determine the question of fact. Pursuant to that determination, disciplinary action such as the lowering of a grade due to the alleged action will be held in abeyance. In determining the facts the burden of proof will be upon the instructor who makes the allegation.

1. Definition. Academic Misconduct is any act that constitutes cheating or plagiarism.

2. Procedures.

Step 1. The student shall request a hearing by conferring with the Faculty Conciliator within ten class days of the accusation. Failure to meet this time limit is taken as acknowledgment that the instructor's charge is true and any right to a later hearing is forfeited.

Step 2. The Faculty Conciliator will in writing request from the instructor a written

statement of the charge, and the nature of the evidence upon which the charge rests. Upon receipt of this, the Conciliator may attempt to resolve the matter directly.

- Step 3. If this appears to be inappropriate or is unsuccessful, the Conciliator forwards a copy of the instructor's charge to the student and to the Chair of the Academic Appeals Board (AAB).
- Step 4. The Chair of the AAB will convene the hearing no sooner than five class days or later than 10 class days after receipt of the statement of charges. At the closed hearing, the instructor as well as the student will be present. Witnesses for either party may be called in to present evidence. After the instructor has presented the charge and supporting evidence, the student has the opportunity to be heard and to present evidence and his explanation of what took place in the matter of academic misconduct.
- Step 5. The AAB by a simple majority of those present shall determine the question of fact based upon the preponderance of evidence. The AAB Chair shall then notify in writing both parties to the Hearing. If it is found that the instructor has not prove the case against the student, the AAB should indicate in writing that any action taken by the instructor to lower the student's grade or otherwise punish the student on the basis of the original accusation would not be justified by the evidence. A statement of the AAB's findings shall be forwarded to the Office of the Registrar for inclusion in the student's file.
- Step 6. If the AAB determines that this is a second offense or more by the student, it may recommend dismissal to the VCAA.

**NOTE:** A class day is any day in which the University is in session according to the academic fall-spring calendar. If the student is unable to file a grievance due to the end of classes for the summer, the student must notify the Conciliator in writing within 20 days of his intention to file when classes resume in the fall.

## **Student Grievance Procedure (SD 2981)**

A student grievance procedure exists to serve all enrolled students at UNCA in the event that they judge they have been improperly or unfairly treated in academic matters. It should be noted that written notice of the grievance must be filed with the Faculty Conciliator within ten class days of the incident or of the time a student could reasonably be expected to know of the incident.

1. **Purpose.** The purpose of the student grievance procedure is to provide each student enrolled at UNCA with a standardized, formal process for seeking a resolution when, in his judgment, he has been treated unfairly or improperly in an academic matter by a faculty member of this University.
2. **Definitions.** Unfair or improper treatment of a student by a faculty member is defined to be:
  - A. the instructor's failure to abide by stated university policies, or failure to abide by written or stated course policies in such a way as to adversely affect the student's academic standing;
  - B. abusive or improper conduct on the part of the instructor that clearly has an adverse affect on the student's academic standing; and
  - C. the instructor's prejudiced or capricious grading practices.
3. **Grievance Procedure.**
  - Step 1. If a student believes that he or she has been treated unfairly or improperly by a faculty member, a conference must be scheduled with the instructor to discuss the matter. The student must explain his or her position to the instructor and attempt to understand the justification for the instructor's actions. The purpose of this meeting is to attempt to reach a mutual understanding of the student's situation and the instructor's actions and to resolve all differences in an informal, cooperative manner.
  - Step 2. If, because of the circumstances of the grievance, it is impractical to consult

promptly with the instructor, or if the student is unsatisfied with the results of Step 1, the student must seek the assistance of the Faculty Conciliator within ten class days after the incident, or after the time the student could reasonably be expected to know of the incident. The Conciliator's role is to guide the student through the remaining steps.

- Step 3. Within five class days after the initial meeting with the student, the Conciliator must then meet with the instructor and the instructor's chairperson in order to seek an amicable solution. If, when the Conciliator reports to the student the substance of the meeting, the student is still dissatisfied, he may then wish to proceed to Step 4 and file a formal grievance.
- Step 4. To file a grievance, the student must obtain a grievance petition from the Conciliator. The petition must specify the date of the incident and detail the student's grievance against the instructor. The student must then file the petition with the Conciliator. This filing must occur within 20 class days of the incident or of the time a student could reasonably be expected to know of the incident. In cases of doubt concerning the application of the time limit, the Conciliator will decide. Failure to meet this deadline forfeits the right of appeal. The Conciliator must then immediately forward a copy of the petition to the instructor, to the instructor's department Chair, and the Chair of the AAB.
- Step 5. The Chair of the AAB shall convene a meeting of the Board no sooner than five class days nor longer than ten class days after receipt of the Grievance Petition. In a closed hearing, the student shall present his grievance, along with relevant supporting evidence and pertinent arguments. He may only address issues that are described in the Grievance Petition. The instructor shall be given an opportunity to respond to the charges. The votes of two faculty members and two student members that are in concurrence with the student's position shall be required in order for the grievance to be found valid.
- Step 6. If a grievance is unfounded the AAB shall provide written notification of that fact to the student, the faculty member, and the departmental Chair. If a grievance is deemed valid, the Board shall forward a written account of its deliberations, including its recommendations for redress, to the student, the faculty member, the department Chair, and the VCAA. The Chair of the AAB, after consultation with the VCAA, shall convene a meeting of himself, the VCAA, the Conciliator, and the faculty member to discuss the matter and suggest strategies for resolving the grievance.

## Faculty Conciliator and Alternate

**Selection.** The Faculty Conciliator is chosen by SGA from a list of four full-time faculty members submitted by the Faculty Senate. SGA selects one of the nominees as Alternate Conciliator should the circumstances of a specific situation make the involvement of the Conciliator impractical. Because of the personal nature of some of the grievances and the potential for injured feelings and hostility, only tenured faculty are eligible to have their names submitted to SGA for the position.

Both the conciliator and the alternate serve one year terms with the alternate assuming the position of conciliator in the subsequent year. A new alternate is chosen at the end of each spring semester; accepting the nomination as Alternate Conciliator means a two-year commitment to the process. Terms of service begin at the start of the fall semester continue through the following summer. The Faculty Conciliator is an ex officio non-voting member of the Academic Appeals Board.

**Purpose.** The job of the Faculty Conciliator is to hear student grievances, to try to resolve them at the earliest stage consistent with fairness to all parties, and to guide the student through the later stages of the grievance procedure if conciliation proves impossible. Consistent with justice, it should be the aim of the Conciliator to resolve as many cases as possible without going to the Academic Appeals Board

## Academic Appeals Board

The Academic Appeals Board shall be composed of four faculty members and one alternate, elected at large by faculty from a list of no fewer than seven nominees provided by the Faculty Senate; three students plus one alternate (elected by the Student Government Association), and the faculty conciliator. All board members shall serve for one year and they may be reelected to serve consecutive terms. A chair and a secretary of the board shall be elected from and by the faculty members on the board. A quorum shall consist of five members, including no fewer than two students and three faculty members. Academic Appeals Board members are necessarily excluded from deliberations in which:

1. The board member is related to one of the two principals.
2. The board member is a departmental colleague of one of the principals.
3. The board member is currently enrolled in a course taught by one of the principals.
4. The board member is one of the two principals involved.

All questions of scheduling and satisfying deadlines shall be adjudicated by the chair of the Academic Appeals Board. All records of the board's deliberations shall be kept in a file maintained and preserved by the chair of the board.

## Policy on Disruptive Behavior in the Classroom

These are the procedures to be followed by the instructor when invoking the Policy on Disruptive Behavior in the Classroom. The procedures and the sample notification letter that follows will be included in both the Faculty and Student Handbooks, as well as in the addendum at the end of the catalog.

### Binding Procedures for Instructors

The instructor must provide an opportunity for the student to be heard. In providing this opportunity, the instructor must follow the procedures described below:

1. Since part of the job of an instructor is to maintain classroom decorum, the instructor's first step should be to discuss the disruptive behavior with the student on an informal basis. Following the informal discussion, the instructor should e-mail the student, with a copy sent to the department chair or program director. This copy serves as documentation of the conversation. The email could contain the following wording:

*"As a follow-up to our conversation today, I want to remind you that \_\_\_\_\_ behavior (list behaviors, such as communicating threats to other students, talking on cell phone) is disruptive to the functioning of \_\_\_\_\_ (Insert course name). My role as a faculty member is to ensure that each student has a learning environment free from disruption."*

2. If disruptions continue, the instructor will personally talk with the student, giving him or her written notice that the instructor proposes to withdraw the student from the course for disruption of the class. The notice must identify the behavior deemed disruptive that has resulted in the invocation of this policy, as well as provide information regarding the scheduling of a time and place for the student to meet with the instructor and department chair or program director to discuss the issue.
3. The student shall be given the opportunity to meet with the instructor and department chair or program director, and to be heard no later than five (5) business days after the student's receipt of written notification.
4. The date of notification establishes whether the student will be given a W or F. A grade of W is assigned before the withdrawal date, and either a W or F is assigned after that date, at the recommendation of the instructor.
5. With concurrence of the department chair or program director, the instructor may immediately require the student to leave the class, or may allow the student to remain in class until a final determination is made on the student's status.
6. The student must be informed that he or she may invite one person from the University community to be present as an observer at the meeting between the student, the instructor, and the department chair or program director.

## Student's Right to Appeal

If the student wishes to appeal the instructor's decision to withdraw the student from class, he or she should follow the academic appeal procedures outlined in the Student Handbook.

# 6. Sexual Misconduct Policy

## I. Overview and Purpose

The University of North Carolina at Asheville, in honor of its rich liberal arts tradition, takes pride in a commitment to learning, creativity, diversity, sustainability, engaged citizenship, equity, trust and integrity. Students, as integral members of the UNC Asheville community, should conduct themselves in a manner that consistently represents the University in a positive light and exemplifies responsible citizenship. To that end, responsible citizenship includes an expectation that members actively participate in behavior that complements and upholds the values and mission of UNC Asheville. Members of the University community are expected to engage in conduct that contributes to the culture of integrity and honor upon which the University of North Carolina at Asheville is grounded. Acts of sexual misconduct and sexual harassment jeopardize the health and welfare of our campus community and the larger community as a whole. Therefore, UNC Asheville stands strongly behind its prohibited conduct as related to sexual misconduct and sexual harassment.

In addition, the University received Federal funding, thus is required to comply with title IX of the Higher Education Amendments of 1972, 20 U.S.C. Section 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct, as defined by this policy, can be considered a form of sex discrimination, which is prohibited by Title IX.

## II. Policy

The University of North Carolina Asheville's Code of Community Standards (Section IV, Q) identifies "Sexual Misconduct" as follows:

Sexual Misconduct, includes but is not limited to:

**1. Sexual assault:** engaging in vaginal, oral or anal intercourse with, or inflicting other sexual invasion upon, any person without that person's 'effective consent'. "Other sexual invasion" is defined as the intentional touching of an unwilling person's genitalia, groin, breast, buttock or clothing covering them, or forcing a person to touch another's intimate parts as listed above. An action is "without that person's effective consent" when it is inflicted upon a person who has not given words or actions that indicate an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent is not given when it is in response to force or threat of force or when a person is incapacitated by the (voluntary or involuntary) use of drugs or alcohol or when the person is otherwise physically helpless (including when asleep). Similarly, silence does not constitute consent and that a person is not required to physically resist sexual conduct in order to show lack of consent.

**2. Sexual exploitation:** taking nonconsensual, unjust or abusive sexual advantage of another for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; even if that behavior does not constitute rape, sexual assault or sexual harassment.

Examples of Sexual Exploitation include but are not limited to prostituting another person; nonconsensual sexually-oriented photographing of another person; video or audio taping of sexual activity without the participant(s)'s consent; going beyond the boundaries of consent, such as allowing others to observe sexual activity without the consent of a partner; engaging in voyeurism; and inducing incapacitation with the result of inflicting

sexual misconduct on another person or with the result of creating opportunity for a third party to inflict sexual misconduct on another person.

**3. Sexual Harassment:** Sexual harassment is considered prohibited conduct as stated in Section IV.C. of the Student Code of Community Standards and UNC Asheville Sexual Harassment Policy) Depending upon the nature and severity of the harassment, it may also qualify as sexual misconduct.

Any person may file a sexual misconduct complaint against a UNC Asheville student. A "UNC Asheville student" is defined as any student who is registered or enrolled at the University at the time of the alleged sexual misconduct and at the time the formal complaint and/or misconduct charge is brought forward. If the alleged misconduct occurred during an academic recess period or between semesters and the student is enrolled for the following semester, the complaint can move forward. If the student is not currently enrolled for said semester, and has not graduated, there can be a hold placed on the student's account. If the accused student's graduation is pending, the conferral of a degree may be held until the resolution of the sexual misconduct charge (provided a hearing can be scheduled at the earliest practical date of all parties involved).

The Sexual Misconduct Policy applies regardless of geographic location of the alleged misconduct; however an incident a significant distance from the University may be more difficult to investigate. Likewise, there is no time limit for when a student may file a complaint; however the length of time may impact an investigation.

Retaliatory behavior towards any person making a complaint of Sexual Misconduct or Harassment or against any person who is participating in a sexual misconduct/harassment investigation (or Citizenship Education process related to sexual misconduct/harassment) is a violation of University policy. Retaliation includes but not limited to threats, harassment, and intimidation, including retaliation by a third party on behalf of another. Any such behavior should be immediately reported to the Dean of Students and may result in additional disciplinary action and/or interim actions in response to the retaliatory misconduct.

### **III. Education, Prevention, Counseling and Other Outreach**

The University of North Carolina Asheville provides educational programming on sexual misconduct, harassment, violence prevention and personal safety through a variety of avenues. emBark and rendezBlue (new student orientation), residence hall programming, SAIL programming, health and wellness courses and other campus wide programs provide opportunities for education on these topics. In addition, SpeakUP (student organization focused on ending sexual and relationship violence) and PAWS (Peers Advocating Wellness Strategies) provide programs and activities, often in collaboration with OurVOICE and Helpmate, two local agencies which work with survivors of sexual assault and domestic violence. Campus Police present programs on personal safety and are available to present programs to your student organization, residence hall or class. PAWS will also present custom programs when requested.

Counseling and related support is available on campus at our Student Health and Counseling Center (Weizenblatt Hall, 251-6517). Our counselors are available 24 hours a day in an emergency – so if it is after hours and you need to speak with a counselor, please call Campus Police at 251-6710 and ask for the Counselor on Call to be contacted. Student Health and Counseling can also provide off campus referrals to a counselor or therapist should you choose to see someone outside of UNC Asheville. The staff and counselors at OurVOICE (828-255-7576) are available as well, and are specially trained to assist survivors of sexual assault. In addition, the staff and counselors at Helpmate (828-254-0516) can assist those in domestic violence situations. Both agencies services are free of charge and confidential.

Students can also contact the Dean of Students (250-2370) or Campus Police (251-6710). The Dean of Students can provide resources and support as well as guidance on the Citizenship Education Process. Campus Police can provide similar resources as

well as information on the criminal process. STAR (Students Together Against Rape) has student advocates (trained through OurVOICE) who are also available as resources.

We encourage students to seek out assistance, whether on or off campus and to utilize available resources to help with their recovery.

#### **IV. Guide for Students Who Have Been Sexually Assaulted**

Sexual assault is an act of violence. Crimes of violence affect everyone, regardless of gender and can occur in any relationship, whether you are straight, gay, lesbian, transgender, bisexual, intersex, queer or questioning - sexual violence affects everyone. Victims of a sexual assault are often in a state of disbelief and shock – feeling angry, fearful, and helpless – and can also be feeling shame and guilt. The variety of emotions which can be experienced by a victim of sexual assault can be overwhelming and he/she may not know who they can ask for help. We provide this guide in an effort to help give students resources to assist in their recovery and to help prevent a future assault. We encourage students to seek help from the resources presented.

##### **A. If a student is sexually assaulted, the student should:**

- **Get to a safe place** as soon as possible.
- **Try to preserve physical evidence.** Do not wash, bathe, shower, douche, use the toilet or change clothing. If changing clothes is unavoidable, put all the clothing you were wearing in a paper bag, not a plastic bag.
- **Get medical attention as soon as possible.** It is important to address your physical health needs. In addition it is important in order to collect evidence should you decide later to pursue legal action. Effective evidence collection must occur no later than seventy-two (72) hours after the assault and must include a physical examination at a local emergency room. General health care is also available at Student Health and Counseling 251-6520. Student Health Services can provide information on STIs and pregnancy prevention. Medical attention is vital and does not mean you must pursue criminal action. Transportation can be arranged by calling Campus Police. If your injuries are critical or life-threatening, please call 911.
- **Contact University Police by calling 251-6710.** Calling University Police does not mean you must pursue criminal charges. Officers are trained to help assist you in securing medical attention and professional counseling. In addition they are able to assure that evidence related to the incident which is collected and properly preserved should you decide later to prosecute. (More information regarding reporting options can be found below.)
- **Talk with a counselor.** They can provide you with emotional support as well as additional resources in a confidential environment. To contact our Health and Counseling Center, call 251-6517 or after hours, call University Police at 251-6710 and ask to speak with a counselor – they will page the counselor on call for you. You can also call the Our VOICE Sexual Assault Crisis Center of Asheville at 828-255-7576.
- **Talk.** Turn to those you trust – your friends, family or someone who can help support you through your recovery. You can also find numerous support people in the university community. Being able to talk about and process what has happened is a vital step in your recovery.
- **Consider your options.** You have the ability to consider criminal action as well as pursuing action through the Citizenship Education process on campus (if your assailant is a student). This document provides you with information on both avenues. The decision is yours and you have the ability to control what steps you take. If you have questions you can call the Campus Police, the Citizenship Education Coordinator or the Dean of Students (their numbers can be found further in this policy).

## B. Past Abuse

It is not uncommon for a sexual assault victim to withdraw and never tell anyone of the incident. Whether the assault occurred years ago or recently, please seek out assistance. Our Counseling Center is here to help at 251-6517. You can also contact the Our VOICE Sexual Assault Crisis Center of Asheville at 828-255-7576.

## C. Medical Treatment

It is very important to seek out medical attention so you can be assessed and treated for any physical injuries. Evaluation of sexual assault includes the testing and treatment for sexually transmitted diseases, medication to prevent pregnancy and documentation of evidence of the assault (which would aid in criminal prosecution, should you decide to pursue legal action). Should you wish to pursue charges, police evidence should be collected immediately, preferably within the first seventy two hours. Evidence can be collected later but the quality and quantity of the evidence can be greatly impacted. Medical attention is vital and does not mean you must pursue criminal charges. Should you deem your injuries critical or life-threatening, please call 911.

## Immediate Emergency Services

A special exam should be conducted as soon as possible after a sexual assault. Even if there are no physical injuries, this special exam, which includes a rape kit, is recommended to maintain all legal options. The exam is performed by an emergency department physician and/or a specially trained nurse. A nurse is also present throughout the procedure and you are welcome to have a support person with you as well. **Note:** Routinely, hospital staff will contact the police whenever treatment is provided for injuries that could be the result of a crime. Although the police are contacted and may respond, this does not mean you have to proceed with criminal charges.

## Transportation

University Police are able to help with transportation to the hospital if necessary. You can reach University Police at 251-6710.

## Non-emergency Medical Procedures

Non-emergency medical treatment can be obtained from our Student Health and Counseling Center in Weizenblatt Hall from 8 am to 5 pm, Monday through Friday, 251-6520. After hours care can be obtained from local providers and urgent care centers. The Buncombe County Health Department is also available for free or reduced fee services.

## E. Counseling and Emotional Support

University Counseling Services  
Student Counseling Center 251-6517

Community Counseling Services  
Our VOICE (sexual assault) 255-7576

Helpmate (domestic violence) 254-0516  
(both agencies' services are free and available 24 hours a day)

## D. Reporting to University Police

Call 251-6710 to reach University Police. Choosing to speak with an officer and report an incident does not necessarily mean that you have to choose to prosecute or pursue campus action through our Citizenship Education Process. You may choose whether to pursue criminal or campus action at a later time.

When University Police are called, an officer will help secure medical attention and emotional support from campus resources. The officer will assist in preserving evidence and preparing a case for court or for our Citizenship Education Process as well as helping to protect you and others from future victimization. The officer is there to listen to your statement of what happened. The officer will ask questions related to the scene of the assault and any witnesses, as well as the events leading up to and following the incident. You will be asked for an identification of or a description of the assailant. If the assault happened off campus, the officer will help you contact the proper law enforcement agency if desired.

### **G. Criminal Investigation and Charges**

University Police are required by law to provide information on all sexual assaults and other felonies to the local District Attorney's office. In the majority of cases reported to the district attorney, the decision to pursue criminal charges rests with the victim. If you chose to pursue criminal charges, a lawyer from the local District Attorney's office will provide you with legal representation for the proceedings without cost. A lawyer from the District Attorney's office and/or a personal attorney may also provide legal advice to assist you in making a decision with regards to prosecution. OurVOICE advocates have extensive experience working with the judicial system and you are encouraged to utilize their services. University Police investigate all crimes that occur on campus. If technical expertise or additional investigative help is needed, the NC State Bureau of Investigation may be called in to assist. If crimes happen off campus within the Asheville city limits, Asheville Police is likely to be the primary investigative agency. If crimes happen in outlying areas outside the city limits, local police or Buncombe County Sheriff's Department would likely be the primary investigative agency. University Police will provide law enforcement support if requested. Officers understand that the questions related to the incident can be difficult for victims. You may request the presence of a support person during police interviews. If you choose to pursue criminal prosecution and the assailant is taken into custody, the suspect will be taken before a magistrate and charged with the appropriate offence. A suspect or student under investigation for any criminal offence by the University Police has a constitutional right to have a lawyer present during questioning; however the student/suspect does not have a right to have a support person other than their lawyer.

### **H. Citizenship Education Procedures for Cases Involving a Student Assailant**

Sexual misconduct (as defined in this policy) is prohibited at the University of North Carolina Asheville and is a violation of the Student Code of Community Standards. Students have a right to file a formal complaint of sexual assault with the Citizenship Education Coordinator (251-6700) or the Dean of Students (250-2370). Complaints of sexual assault shall be handled according to the procedures outlined in the Student Code of Community Standards and Citizenship Education Process unless otherwise specified.

A student may wish to report an incident of sexual misconduct, however decline to participate in the Citizenship Education process. This may impact the university's ability to respond. A student may, after sharing their complaint, wish for the university to take no action and/or for the complaint to remain confidential. Title IX requires the University to evaluate the student's request with consideration to the context of the University's commitment to provide a reasonably safe and non-discriminatory environment for all students. To that end, the Dean (or their designee) may conduct an preliminary investigation and may weigh the complainant's request against the following: the seriousness of the alleged sexual misconduct; whether other complaints of sexual misconduct have been made against the same student; and the accused student's right to receive information about the allegations if the information is maintained as an 'education record' as defined by FERPA. The complainant will be notified by the Dean if University cannot ensure confidentiality. If the complainant has requested confidentiality or that the complaint not be adjudicated (and those requests were granted), Title IX still requires the University to take prompt and effective action to limit the effects of the alleged sexual misconduct and to prevent its recurrence. The Dean reserves the authority to issue a 'no contact' order and other interim measures as determined.

## Rights of the Victim

Any person who is a complainant in a case of sexual assault shall be afforded all rights as outlined in the Student Code of Community Standards and Citizenship Education Process plus the following rights specific to sexual assault cases:

- The right to be assisted by an advisor advocate or support person of their choice, at their own expense (if a fee is charged), throughout the entire Citizenship Education process, including investigation, informal disposition of the case, hearings and appeals. The advisor, advocate or support person may not speak in any proceeding or part of the process. They may only speak in private to the victim.
- The right to have their name or other personally identifiable information withheld (by the University), from release to the public, the press or others who are not directly involved in the case.
- The right to be notified of the outcome of any Citizenship Education action in a case of sexual assault subsequent to the notification of the accused.
- The right to request to have the student's living arrangements (if in university housing) modified pending the outcome of a Citizenship Education process if the accused lives close to the victim (as space permits).
- The right to request extra time to make up academic work the student has missed because of time lost due to the assault, investigation and the hearing. This is done at the discretion of the professor.
- The right, when reasonable and possible, to their classes reassigned so as not to share classes with the accused (when possible).
- The right not to have their sexual history discussed during the hearing.
- The right to be present for the entire hearing (with the exception of deliberations).
- The right to make a victim impact statement to be presented to the hearing body subsequent to a determination of responsibility for a violation of the Student Code of Community Standards and prior to the determination of a sanction or sanctions.
- The right to give testimony from a divided room (or other accommodation which separates the victim from the accused which is approved by the Dean of Students).

## Rights of the Accused

A student facing a charge of sexual misconduct is afforded all rights as outlined in the Student Code of Community Standards and Citizenship Education Process, plus the following rights specific to sexual assault cases:

- The right to be assisted by and advisor, advocate or support person of their choice, at their own expense (if a fee is charged), throughout the entire Citizenship Education process, including investigation, informal disposition of the case, hearings and appeals. The advisor, advocate or support person may not speak in any proceeding or part of the process. They may only speak in private to the accused.
- The right to have their name or other personally identifiable information withheld (by the University), from release to the public, the press or others who are not directly involved in the case.

## I. Resource Directory

Emergency	On campus:	828-251-6710
	Off campus:	911
Student Health and Counseling Center		
Counseling Center:		828-251-6517
Health Center:		828-251-6520
Mission Hospital:		828-213-1111

**Our VOICE** (Victim Services Outreach Intervention Counseling and Education) of Asheville (Sexual Assault Agency)  
(free and available 24 hours a day) 828-255-7576

**Helpmate** (Domestic Violence Agency)  
(free and available 24 hours a day) 828-254-0516

### **Police and Legal Information**

University Police: 828-251-6710  
Asheville City Police: 828-259-5877  
Buncombe County Sherriff's Office: 828-250-4474  
Buncombe County District Attorney's Office: 828-232-2500

### **Student Affairs Offices**

Campus Police 828-251-6710  
Citizenship Education Coordinator: 828-251-6700  
Dean of Students: 828-250-2370  
Residential Education: 828-251-6700  
Vice Chancellor for Student Affairs: 828-251-6474

University Police Department Information and Campus Crime Statistics  
<http://publicsafety.unca.edu/>

Citizenship Education Process <http://housing.unca.edu/citizenship-education>

Title IX Questions, Concerns or Complaints  
Rusty Marts, Human Resources  
UNC Asheville Title IX Coordinator \* 828-350-4589  
\*Jackie McHargue, Dean of Students 828-250-2370  
*(oversees Title IX complaints when the alleged perpetrator is a student. The Dean also assists the Title IX coordinator when the complainant is a student.)*

## **7. Sexual Harassment Policy (PPM No. 49)**

### **Purpose:**

The purpose of this policy is to set forth the University's procedures for preventing sexual harassment and for investigating and resolving allegations of sexual harassment, and also to ensure compliance with Title VII of the Civil Rights Act of 1964, as amended, and with Chapter 126 of the North Carolina General Statutes.

### **Scope:**

This policy applies to all applicants for employment, to all applicants for admission to University programs, and to all officers and employees of the University, all students, and all persons who serve the University as its agents and are under the control of the University, and to all individuals who teach, conduct business or participate in activities at the University. University contractors are also subject to this policy.

### **Policy:**

**Introduction:** Sexual harassment and discrimination are illegal and endanger the environment of civility and mutual respect that must prevail if the University is to fulfill its mission. The University of North Carolina at Asheville is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process. Toward this end, all members of the University community must understand that sexual harassment, sexual discrimination and sexual exploitation of professional relationships violate the University's policy and will not be tolerated. The University will take every step to resolve grievances promptly. Any act of reprisal, interference, or any other form of retaliation, whether direct or indirect, against an individual for raising concerns covered by this policy are also violations of this policy and are prohibited.

## **Sexual Harassment Definitions** (See Title 29 Code of Federal Regulations 1604.11)

Two categories of sexual harassment between members of the opposite or same sex are recognized:

- A. **Quid Pro Quo** - Sexual harassment presented as a “bargain” (quid pro quo). Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior position constitutes “bargained-for sexual harassment” when submission by another is made either an explicit or implicit term or condition of employment or of academic standing. In this case, apparent consent of the submitting party is less relevant than the extent to which the sexual conduct is unwelcome. As defined here, “bargained-for sexual harassment” normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or teacher and student or it may be indirect when the harasser has the power to direct others who have authority over the victim.
- B. **Environmental Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute “environmental sexual harassment” when such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment which unreasonably interferes with another’s work, academic performance or privacy. Environmental harassment can inflict emotional and psychological harm on individuals and can make relationships and the work or study environment unpleasant, threatening and unproductive. However, there is no requirement that evidence of actual emotional or physiological harm be shown in order for environmental sexual harassment to be found to have occurred.

In determining whether alleged conduct constitutes sexual harassment as defined in the policy, the record as a whole will be considered as well as the context in which the conduct occurred. “Environmental sexual harassment” normally arises from a repeated or pervasive course of conduct, whereas “bargained-for sexual harassment” can be based on a single act.

Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

## **Penalties**

Penalties will be determined on the basis of the facts of each case and the extent of harm to the University’s interests, as well as any University record indicating previous wrong doing by the accused person. Possible penalties are described in UNC Asheville’s SPA Disciplinary Actions Policy, the faculty handbook, the student handbook, the UNC Policy Manual, and the North Carolina Office of State Personnel Manual.

## **Anti-Retaliation Assurance**

This policy seeks to encourage individuals to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Any act of retaliation against a complainant or witness is prohibited and will result in appropriate disciplinary action in accordance with disciplinary measures defined by applicable state or university disciplinary policies.

## **Improper Complaints**

This policy shall not be used to bring frivolous or malicious complaints against students or employees. A person who brings a frivolous or malicious complaint will be subject to disciplinary action.

## **Confidentiality**

Information generated in the course of informal reviews and formal investigations necessary to enforcing this policy will be given the full extent of confidentiality accorded by law to employee personnel records and student educational records. Any person who, without authorization, reveals such information will be subject to disciplinary action. The

sharing of the content of complaints will be on a “need to know” basis and will depend on the type of review and response required by the complaint. In any case when a complaint is being mediated or investigated, the person accused will be informed of the specific details of the complaint.

### **Responsibility for Reporting**

Any University employee who has direct knowledge of sexual harassment that has occurred is obligated to inform the University’s Director of Employee Relations/Affirmative Officer immediately. Not to do so may result in serious consequences for the University, will be considered a breach of responsibility and may be grounds for disciplinary action.

### **Education and Outreach**

To aid the University in achieving its mission by preventing sexual harassment, the Sexual Harassment Advisory Committee will assist the Director of Employee Relations and other University officials in their efforts to train, educate and advise members of the University community about sexual harassment so that the University will continue to be a safe and productive place to work and to learn.

### **Procedures:**

The purpose of these procedures is to provide a prompt and fair resolution of problems and to preserve the due process rights of all involved, including the right to receive notice of complaints and to have an opportunity for an impartial investigation. These procedures also are created to provide for discipline of violators of the University’s Sexual Harassment Policy. If necessary, however, the University’s administration may take immediate and reasonable action to stop harassment and is not limited to the process provided herein.

#### **I. Filing a Complaint**

Complaints of violations of the University’s Sexual Harassment Policy will be accepted in writing or orally, however formal complaints (see B below) must be received in written form. Complaints will be taken seriously and investigated. Anyone who has observed sexual harassment should report it to his or her immediate supervisor, a department head/chair, vice chancellor or a sexual harassment advisory committee member (a current list of committee members may be found online at: [http://www.unca.edu/service\\_committees/membership.asp](http://www.unca.edu/service_committees/membership.asp)). The ability to make a complaint is not limited to those who are the direct targets of the harassment.

##### **A. Informal Resolution**

Complaints of harassment addressed through the informal resolution process may be addressed through a variety of actions, including but not limited to the following:

1. The employee may discuss the concern(s) and the desired resolution with the alleged harasser, with or without the facilitation or presence of an employee relations representative or a supervisor.
2. The employee may address the alleged harasser in writing regarding the concern(s) and the desired resolution with or without the facilitation or presence of an employee relations representative or a supervisor.
3. The employee may ask an employee relations representative to notify the alleged harasser of the concern(s) and the desired resolution.
4. If the conduct has not stopped after the complainant’s communication or if the complainant does not wish to make the initial contact with the harasser, he/she may contact the University’s Director of Employee Relations or his/her immediate supervisor, a department head/chair, vice chancellor, or a member of the sexual harassment advisory committee (a current list of committee members may be found online at: [http://www.unca.edu/service\\_committees/membership.asp](http://www.unca.edu/service_committees/membership.asp)). The person to whom the report is made shall report it immediately to the University’s Director of Employee Relations.

*Advisory Note: Complaints by or about students must be presented to the Office of the Dean of Students. The Dean of Students, or designee, will work with Employee Relations on any cases involving harassment of a student by a UNC Asheville employee. In an instance of student-initiated harassment, the Dean of Students, or designee, shall investigate and take appropriate disciplinary action commensurate with the severity and/or frequency of the conduct. Discipline resulting from harassment by a student will be taken in accordance with the procedures provided in the Student Code of Conduct.*

## **B. Formal Resolution**

Employees who have a complaint of harassment may use the formal grievance procedures in accordance with UNC Asheville's Unlawful Workplace Harassment policy. To use this procedure, the employee must submit a written complaint to Human Resources within 30 calendar days of the alleged harassing action. This is the required procedure for SPA employees who want to maintain their appeal rights to the State Personnel Commission.

SPA employees who do not submit a written complaint to Human Resources within 30 calendar days may still utilize the informal procedures described in Section I.A. for resolving their concern; however, such individuals will not have the option of later appealing to the State Personnel Commission or using any University appeal procedure.

## **II. Investigation**

Confidentiality shall be maintained to the greatest extent possible within the requirements of conducting reasonable investigations. Only those who have a need to know will or may find the identity of the parties.

Once a complaint is made to a University official or employee, the official or employee will forward the complaint to the Director of Employee Relations. He/she will maintain all records related to such cases separately from the University personnel files. Complaints will be investigated promptly and impartially.

The Director of Employee Relations may conduct the investigation or, if he/she deems it appropriate, will forward the complaint to an investigatory team for investigation and recommended action. The team is authorized to review, investigate and advise with respect to the adjustment of complaints related to sexual harassment filed by any member of the University community.

The investigatory team is authorized to meet with the complainant, the accused, and any witnesses in order to determine facts regarding the allegation. Meetings with the parties to the complaint should be conducted individually and should not take the form of a hearing. These meetings may be done by the team as a whole or by members designated by the chair.

An accurate record of all meetings and interviews shall be made by the investigatory team. These records shall be maintained for a minimum of three years and for as long as any of the parties are associated with the University. A final report of the findings of the team shall be made available under the supervision of the Director of Employee Relations to all parties to the complaint upon receipt, verbally or in writing, of a request from that party.

Upon completion of its review, the team shall make a report to the supervisor of the accused. The report shall consist of a summary of findings, including a statement of the charges, the evidence presented and a determination as to whether or not the complaint rises to the level of sexual harassment as defined by federal law. The supervisor will determine the appropriate action, in consultation with the Director of Employee Relations.

All reasonable attempts will be made to complete this entire process in a timely manner. Complaints shall be resolved within sixty (60) days from the date the complaint is received by the Director of Employee Relations. The Committee shall provide a written response to the complainant when it has been determined what action, if any,

will result from the complaint.

**Advisory Note:** *After the agency's 60 calendar days (or less, if waived in writing), if the complainant is an SPA employee and the complaint has been filed in accordance with the Unlawful Workplace Harassment policy, the complainant may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within the next 30 calendar days if he/she is not satisfied with the agency's response to the complaint.*

### III. Appeals

Any current or former State employee who feels he/she has been sexually harassed in violation of UNC Asheville and N.C. General Statute 126-16 may file a grievance through the UNC Asheville grievance procedures (as applicable to SPA, EPA, Non-Faculty or EPA faculty.)

Applicants for positions governed by Chapter 126 of the N.C. General Statutes who believe that they have been sexually harassed may file grievances pursuant to that chapter of the General Statutes. Such grievances must be in compliance with the procedures set forth in UNC Asheville policies and with the North Carolina Office of State Personnel Manual.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. Employees or applicants may also choose to file a complaint of sexual harassment with the Equal Employment Opportunity Commission.

## 8. Improper Relationships Between Students and Employees Policy (PPM No. 54)

### Philosophy:

Sexual relations between students and employees of UNCA with whom they also have an academic or evaluative relationship are fraught with potential for exploitation. The respect and trust accorded to a university employee by a student, as well as the power exercised by the employee in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the university employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between employees and students.

Employees are encouraged to foster wholesome and appropriate relationships with colleagues, students and staff. Students tend to hold the whole academic profession (faculty, administrators, and staff) in high esteem and as such, invest extraordinary trust and respect in its members. Only by upholding high standards will university personnel be able to meet their collective obligation to each other.

### Policy:

It will be considered misconduct for a UNCA employee, incident to any instructional, research, administrative or other University employment responsibility or authority to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.

It will be considered misconduct for a UNCA employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of eighteen years.

Violations of this policy shall be considered personal misconduct in accordance with policies and procedures for the class of employment, of which the affected employee is a member, i.e. SPA employees as defined under State of North Carolina Personnel Manual's "Discipline, Dismissal and Grievance Procedures" and for EPA non-teaching under "Personnel Policies for Designated Employees Exempt from the State Personnel Act."

## Definitions:

**Amorous relationship:** An amorous relationship exists when, without benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

**Related by blood, law or marriage:** Means (a) parent and child (b) brother and sister grandparent and grandchild (d) aunt and/or uncle and niece and/or nephew (e) first cousins (f) step-parent and step-child (g) husband and wife (h) parents-in-law and children-in-law (i) brothers-in-law and sisters-in-law (j) guardian and ward.

**Evaluate or supervise:** To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity or (3) to manage, oversee or direct one's academic or other institutionally prescribed activities.

## 9. Involuntary Protective Withdrawal Policy

### Policy

The University of North Carolina at Asheville (the "University") is committed to the well-being and safety of its community members and the integrity of its learning environment. The University may require a student to take an involuntary protective withdrawal if there is a sufficient showing that the student is engaging or is likely to engage in behavior that presents a real danger of substantial harm to self or others, or substantially disrupts the learning environment and activities of the campus community.

This policy and associated procedures do not take the place of disciplinary action associated with a student's conduct that is in violation of University policies and regulations. ***This policy is to be invoked only in those extraordinary circumstances in which the regular disciplinary system cannot be applied or is not appropriate, and after attempts to secure a voluntary withdrawal have been exhausted.***

### Procedure

#### Section 1. Grounds for Involuntary Protective Withdrawal

A student may be required to involuntarily withdraw if the student engages or is likely to engage in behavior that:

- (a) poses an imminent or significant danger or threat of causing physical harm to self or others; or
- (b) substantially impedes the lawful activities of other members of the campus community, or the educational processes or proper activities or functions of the University or its personnel.

#### Section 2. Initiation of Involuntary Protective Withdrawal Procedure

Upon receipt of information from any credible source that a student's behavior may violate this Policy, the Vice Chancellor for Student Affairs (or his/her designee) may take any of the following action(s) as he/she deems appropriate:

- (a) impose an emergency protective withdrawal of the student when the student's behavior poses an imminent or substantial danger or threat to the health and safety of the student or other member of the campus community. The emergency protective withdrawal shall become effective immediately upon imposition. The student shall be notified of the action in writing delivered in person or by certified mail. Such notice shall include a description of the behavior(s) giving rise to the withdrawal, a summary of relevant evidence, a list of any witnesses, a statement that the student must appear before the Protective Withdrawal Committee (the "Committee"), and a description of the hearing procedures detailed in Section 4 below; or
- (b) refer the matter to the Committee for its review and disposition. The student shall be provided with written notice, delivered in person or by certified mail, of the referral to the Committee. Such notice shall include a description of the alleged behavior(s),

a summary of relevant evidence and a list of any witnesses, statement that the student must appear before the Committee, and a description of the hearing procedures detailed in Section 4 below; or

- (c) in either (a) or (b) above, the Vice Chancellor (his/her designee) or the Committee may require that the student submit to an external, independent evaluation by a qualified medical or mental health professional and consent to the disclosure of the results of such evaluation to the University, the Vice Chancellor for Student Affairs (or his/her designee), and the Committee. The cost of the evaluation shall be borne by the University. A student who chooses not complete the external evaluation may be involuntarily withdrawn from the University.

The Vice Chancellor for Student Affairs (or his/her designee) may meet informally with the student prior to taking action under this Section 2.

### **Section 3. Composition of the Committee**

The Committee is comprised of the following individuals, or their designee in the event the individual listed is unavailable to meet, or the individual has prior knowledge of the matter at hand: the Administrative Director of Student Health and Counseling Services (and/or the University Physician and/or the lead Counselor); the Assistant Director of Advising and Learning Support, The Dean of Students, who shall serve as Chair of the Committee; the Associate Vice Chancellor for Student Affairs; the Chief of Police (or his/her designee), the Director of Residential Education and Citizenship Education;

### **Section 4. Committee Hearing Procedures**

A student who has received notice of a referral to the Committee under Section 2(b) above or notice of an emergency protective withdrawal under Section 2(a) above must appear personally before the Committee. An emergency protective withdrawal shall not be suspended pending a hearing under this Section.

The Committee shall schedule a hearing as soon as practicable, but in no event less than three (3) days nor more than five (5) calendar days after the student has received notice. In the event the student chooses not to attend the hearing, the hearing will continue in absentia.

The hearing shall be informal, and the rules of evidence shall not apply. The Chair of the Committee has the authority to reject evidence that is redundant or has no relevance to the matters at issue. The hearing will be private and confidential. Attorneys are not permitted to participate at the hearing; however, the student may designate one (1) advisor to provide assistance. The advisor may not speak or participate directly at the hearing.

The Vice Chancellor for Student Affairs or his/her designee shall present his/her evidence first. The student shall then have the opportunity to respond. The parties shall each have the opportunity to present the testimony of witnesses and other evidence, to cross examine witnesses, and to examine any and all documentary evidence. The Chair of the Committee may directly question either party or any witness, and shall ensure that a record of the hearing is made. Upon request, a copy of the record shall be furnished to the student at a reasonable cost.

The Committee may consider only the evidence presented at the hearing, and its decision must be supported by a preponderance of the evidence. Based upon the Committee's review, the Committee may take any of the following actions: (1) terminate this procedure if there are no grounds for action; or (2) terminate this procedure and recommend that the Vice Chancellor take any other action deemed necessary or appropriate, including initiating disciplinary action; or (3) impose an involuntary protective withdrawal if there are grounds for action. The Chair of the Committee shall provide written notice of the Committee's decision to the student within two (2) calendar days of the hearing. In the event the student submits to an external evaluation, the Committee shall provide notice of its decision within two (2) calendar days following receipt and review of the evaluation. The decision of the Committee shall be final and non-appealable unless otherwise required by state or federal law, or University of North Carolina policy.

### **Section 5. Readmission/Continued Enrollment**

A student who is involuntarily withdrawn under this policy may not re-enroll or be re-admitted to the University before the start of the next term. Further, the Committee and the Vice Chancellor for Student Affairs must approve the student's re-enrollment or readmission based upon a review of the entire record including any and all new information relevant to the matter, and may impose conditions on the student's re-enrollment or readmission. The student is not entitled to a hearing or appeal of this decision.

The involuntary protective withdrawal shall be deemed a "University withdrawal" on the student's transcript.

### **Section 6. Reporting Requirement**

At the end of each academic year, the Vice Chancellor for Student Affairs shall report to the Chancellor concerning the frequency and nature of any and all involuntary protective withdrawal proceedings.

## **10. Alcoholic Beverage Policy (PPM No. 26) and Educational/Counseling Programs**

### **Statement of Purpose:**

WHEREAS, North Carolina state law regulates the possession and consumption of alcoholic beverages, and WHEREAS, the development of campus policies which protect the health and welfare of college students is an important responsibility of the UNCA community, and WHEREAS, institutional policies, practices and regulations should form the basis for a responsible approach to this aspect of student life, preserving an environment compatible with academic endeavors, and WHEREAS, inappropriate and irresponsible marketing and promotion of alcoholic beverages on campus can contribute to the problems of alcohol abuse, and WHEREAS, alcohol abuse poses a serious threat to the health and welfare of a large segment of the college student population through acts of vandalism and property damage, automobile and other types of accidents, lessening of academic performance, estrangement of social relations and, in some cases, bodily injury, illness and death.

THEREFORE BE IT RESOLVED, that The University of North Carolina at Asheville adopt the following guidelines, rules and regulations to govern alcohol possession and consumption and marketing practices on campus.

### **State Laws and Penalties**

University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state or municipal law regarding their purchase, possession or consumption. Pertinent statutes are as follows:

- A. The North Carolina Alcoholic Beverage Control Laws make it unlawful for any person under 21 years of age to purchase, possess or consume; or for anyone to aid or abet such a person in purchasing, and consuming any alcoholic beverage (Gen. Stat. 18A-8).
- B. Under no circumstance may any type of alcoholic beverage be sold by any person organization or corporation on the campus or property of the university (General Statute 18A-40). (Permits allowing for the sale of any type of alcoholic beverage on the university campus are prohibited by law. The term "sale" is broadly interpreted by law enforcement authorities to include such practices as charging admission to events where alcohol is served. In addition, tickets, other exchanges or lists which are in any way restrictive, or in-kind donations are viewed as indirect payment for alcoholic beverages and are, therefore, illegal).
- C. Purchase or possession by a person under 21 years of age is a violation of this law. The infraction is punishable by a fine of not more than \$25. The procedure for charging and trying an infraction is the same as for a misdemeanor. A person convicted of an infraction may not be assessed court costs (General Statute 18B-302).

- D. Any person who is under the lawful age to purchase and who aids or abets another in violation of purchase or possession shall be guilty of a misdemeanor punishable by a fine up to \$500 or imprisonment for not more than six months, or both.
- E. Any person who is over the lawful age to purchase and who aids or abets another in purchase or possession shall be guilty of a misdemeanor punishable by a fine of up to \$2,000 or imprisonment for not more than two years, or both.
- F. It shall be unlawful for any person to obtain or attempt to obtain alcoholic beverages when under the lawful age by using or attempting to use a fraudulent or altered driver's license or any other type of false identification.
- G. It shall be unlawful for any person to permit the use of his or her driver's license or any other identification document by any person who purchases or attempts to purchase alcoholic beverages while under the lawful age.
- H. A conviction report shall be sent to the Department of Motor Vehicles (DMV) if a person is convicted of any of the above offenses (except purchase/possession by 19 or 20-year-olds). Upon receipt of a conviction report, the DMV shall revoke the person's license.

NOTE: All individuals should become familiar with the Safe Roads Act concerning drunk driving and driving under the influence of drugs "DWI"/driving while impaired. (A driver may not consume any alcoholic beverage while driving. No person may transport in the passenger area spirituous liquors in any container other than the manufacturer's unopened original container.) It is the responsibility of each individual to be aware of the provisions of the laws and regulations that govern the use of alcohol in the State of North Carolina.

## University Policies, Regulations and Procedures

These policies are designed to support the positive healthy use or non-use of alcoholic beverages in a responsible manner.

- A. Student fees collected by the university as a part of registration may not be used to purchase alcoholic beverages; this includes Campus Commission for Student Services Funds.
- B. Possession or consumption of liquor, fortified wine or mixed beverages (more than 14 percent alcohol by volume) is prohibited on the university campus, except for approved circumstances and locations as specified in Section III, E and F.
- C. Possession or consumption of beer or unfortified wine on the UNCA campus is prohibited with the exception of the following conditions:
  1. In all cases, persons must be at least 21 years of age to possess or consume such beverages and must provide proof of age.
  2. Students of legal age may possess and consume beer or unfortified wine only in approved locations. Alcoholic beverages cannot be openly displayed or consumed anywhere on campus except at those approved locations.
- D. Under those special circumstances where alcoholic beverage will be permitted, the university will require the sponsors to adhere to "good practices" as stated in the UNCA ALCOHOL BEVERAGE PERMIT. Failure to abide by the "good practices" as set forth in the UNCA ALCOHOL BEVERAGE PERMIT will result in loss of privileges to use approved locations and/or prosecution through the student court system.

### E. Approved Locations:

#### Residence Halls:

Students of legal drinking age (21 or older) will be permitted to drink alcoholic beverages in their own rooms or if they are invited guests in another resident's room. Transportation of alcoholic beverages in open containers will not be permitted in the residence halls. Consumption of alcoholic beverages in residence hall common room areas (TV rooms, study rooms, lounge areas, etc.) will not be permitted unless prior written approval is granted by the Office of Housing and Residence Life. Kegs and party balls are prohibited in all areas of the residence halls.

### F. Locations Approved by Special Permission:

1. Highsmith University Center
  - a. Students of legal drinking age (21 or older) will be permitted to possess and

consume beer and unfortified wine (14 percent or less alcohol by volume) only at approved scheduled functions with appropriate alcohol permit in the Highsmith Center and only within the confines of that function with regard to the time and place of the function.

- b. Proof of age will be required at all events where beer and wine are allowed.
- c. At no time will alcoholic beverages containing more than 14 percent alcohol by volume (spirituous liquors) be allowed in the Highsmith Center.
- d. Permission to have alcohol at a scheduled event requires a UNCA Alcohol Beverage Permit to be completed during regular office hours and approved by the director of the Highsmith University Center at least one week in advance of the event. An ABC permit is also required whenever applicable.

#### 2. Owen Conference Center

Possession and consumption of alcoholic beverages is generally prohibited in this area; however, for certain special events the Chancellor or his/her designated representative may grant a written exception to this policy. In these special circumstances groups may be allowed to possess or consume alcoholic beverages. The written exception shall include the reason for the exception, the area of the center to be utilized and the hours of use. An ABC permit is also required if applicable.

#### 3. Justice Sports, Health and Physical Education Complex

Possession and consumption of all alcoholic beverages is prohibited in areas within and adjacent to the UNCA indoor and outdoor athletic/recreational facilities, except in unusual cases for special events. Advance written permission from the Chancellor or his/her designated representative is required.

#### 4. Academic Space

Possession and consumption of alcoholic beverages is prohibited in all areas within and adjacent to instructional facilities, except in unusual cases for special events. Advance written permission is required from the Chancellor or his/her designated representative, with specific reference to the area and hours of use. At no time will alcoholic beverages of more than 14 percent alcohol by volume be permitted.

## Enforcement

Violation of these laws and policies will result in administrative and/or criminal sanctions as set forth in the University Judicial Code or applicable state, federal or local laws. Students, faculty members, administrators and other employees are responsible for knowing about and complying with the provisions of North Carolina law and university policy on alcohol use, distribution and consumption. Any member of the university community who violates this policy is subject to disciplinary proceedings by the university.

Penalties shall be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators and other employees, as required by the Student Government Association Judicial Code of The University of North Carolina at Asheville; The Code, Board of Governors, The University of North Carolina, Chapter VI, Academic Freedom and Tenure, Section 603, Due Process Before Discharge or the Imposition of Serious Sanctions, appropriate sections of the current UNCA Faculty Handbook, and the University Personnel Policies for Designated Employees Exempt From the State Personnel Act, The University of North Carolina at Asheville, and by regulations for the State Personnel Commission.

State personnel policy provides that employees subject to the State Personnel Act may not be suspended from employment for punitive reasons for more than three days. Whenever this policy mandates "suspension" of an employee subject to the State Personnel Act as a minimum penalty, that employee must instead be terminated in accordance with the State personnel policy.

## UNCA Alcohol Advertising Policy

On-Campus Events: When the general public is invited to a university event, no alcohol is permitted; therefore, no off-campus advertising of events is permitted when al-

cohol is allowed. The following guidelines concerning on-campus advertising are set forth: No mention of beer, wine, etc., is permitted. Only the following statement may appear on publicity flyers and posters: Alcohol Permit Approved.

Off-Campus Events: Advertising on-campus of events held off-campus which are sponsored or cosponsored by university organizations will contain no mention of beer, wine or any form of alcohol.

## **Education, Prevention and Counseling**

In an effort to proactively address alcohol issues, various programs are presented on campus throughout the academic year. Programs are presented by Residential Education, P.A.W.S., Student Health and Counseling and other student organizations and campus departments/programs. Counseling services are available to the campus community for those wishing to address a personal issue with alcohol. Students can receive counseling services at The Student Health and Counseling Center (Weisenblatt Hall). Faculty and staff can receive counseling services through the Employee Assistance Network (EAN). Both Student Health and Counseling and EAN can assist with referrals to outside counseling as well as comprehensive in-patient and out-patient treatment.

## **11. BYOB Policy (The Grotto, Highsmith Union)**

### **Scope:**

This policy governs only those events held in the Grotto of the Highsmith Union at which persons of legal drinking age may bring and consume alcoholic beverages (limited to beer and wine as noted below) at the event. Such events will be classified as "BYOB" events and must be approved in advance, meet specified guidelines and occur in the approved location (The Grotto, unless granted special permission). This policy is referenced in and subordinate to the University Policies, Regulations and Procedures concerning alcohol.

### **Purpose:**

The purpose of a BYOB policy for Highsmith Union is:

1. To provide an on-campus option for responsible and legal consumption of alcohol beverages that accompanies participation in a planned on-campus social or entertainment event.
2. To respond to feedback from students that such events would positively affect student life, campus participation and offer an inclusive atmosphere for our nonresidential students (as many are 21 and over).
3. To reinforce and further promote the University's commitment to responsible drinking by students of legal age.
4. To educate and provide a structure for how to plan and implement a social event at which alcoholic beverages are present and demonstrate the appropriate behavior at such events.
5. To empower students to develop, implement and monitor a successful program to serve the social needs of our students.

## **GOVERNING PRINCIPLES:**

The University of North Carolina at Asheville prohibits and does not condone the illegal, irresponsible or abusive use of alcoholic beverages. The University will enforce federal, state and local laws, as well as University Policies and the Student Code of Community Standards.

### **A. BYOB Event Registration**

Only university organizations may register for and sponsor a BYOB event; for the purpose of this policy, the term 'university organizations' includes registered student groups and university departments or offices. All organizations as deemed by this definition must petition in writing (complete a form) for approval to hold a BYOB event on campus 4 weeks in advance; forms are available at the Student Activities office. Once the needed paperwork has been completed (including an approved timeline, list

of requirements, and an understanding of policy compliance), the document must be signed by the Director of Student Activities and the Dean of Students to ensure all necessary requirements for the event have been met. For university departments or offices, the BYOB Event Request Form must be signed by their designated Dean/Director and the Dean of Students.

## **B. Policy Compliance**

The organization sponsoring a BYOB event is responsible for policy compliance and is expected to have certain members designated to monitor compliance at the event (the number of designated members will be determined in advance by the Director of Student Activities, based on the anticipated size of the event). Failure to comply with all elements of this policy and BYOB Procedure may result in the loss of the privilege to sponsor a BYOB event as well as possible action through the Citizenship Education Process (for students) as well as law enforcement (for both the organization and/or individual students).

Specifically, the sponsoring organization is responsible for:

- Appropriately registering the event according to this policy.
- Ensuring compliance with all elements of this policy, BYOB Procedure, other related policies and procedures.
- Work with the Student Activities staff to ensure that only individuals of appropriate age possess or consume alcohol and that overtly intoxicated individuals do not possess or consume alcohol.
- Work with the Student Activities staff to ensure attendance for the event does not exceed the fire code of 84 participants for the Grotto.
- Ensuring that no drinking games or other activities which promote or encourage the rapid consumption of alcohol occur.
- Preventing any damage that could occur to the facility during a BYOB event.
- Controlling the size of the event to comply with all safety and occupancy standards.
- Complying with any directives from the designated BYOB event staff, Highsmith Union staff, campus police or other university official.

## **C. Amounts and Types of Alcoholic Beverages**

The amount of alcoholic beverage a person (of legal drinking age) may bring to a BYOB event is four (4), twelve (12 oz) cans or bottles of beer or malt beverage or four (4) 187 ml bottles of wine may be brought per individual. Hard liquor, fortified wines, high gravity beer or spirits, or any caffeinated alcoholic beverage will not be permitted.

## **D. Non-Alcoholic Beverages**

Soft drinks and/or non-alcoholic beverages must also be made available to attendees and featured in the same location and during the same time as alcoholic beverages at BYOB events (this will be arranged by SAIL once the event has received approval). Food must also be made available and must be more substantial than simply chips, etc. During the approval process, options for food can be discussed. The cost of food is covered by the sponsoring organization.

## **E. Event Promotion**

Promotional materials must mention that the event is BYOB and must mention the maximum amounts and types of alcoholic beverages allowed. The focus of the program and promotion cannot be the BYOB component.

## **F. BYOB Procedure**

All individuals attending a BYOB event, who bring or plan to consume alcohol must provide a government issued ID (students must also bring UNC Asheville ID) and obtain a numbered wristband from a BYOB SAIL Staff Member at the event. All UNC Asheville students must be 17 years or older for admittance. When guests are permitted at a BYOB event, UNC Asheville students may bring 2 (two) guests however, number of guests may be limited at the discretion of the Director of Student Activities, Dean of Students or their designee. Non-student guests of UNC Asheville students MUST be

18 years of age or over and have a government issued ID. Due to safety concerns, young children are not allowed on premise for BYOB events.

All alcoholic beverages carried into the building/event must be in an opaque bag. No one may carry visible alcohol containers in to (or from) the event or building.

In addition to the numbered wristband, all individuals who bring alcohol to a BYOB event will also receive a BYOB Event Punch Card that includes the following information:

Event title & date

Attendee's name

Attendee's wrist band number

Type & Quantity of Beverage they brought with them

Tracking Area – Student Activities staff member will use a hole punch to mark the card each time they serve a participant a beverage.

All alcoholic beverages at the BYOB event must be dispensed by the trained concessions server(s) and are University staff (unless otherwise approved).

All alcoholic beverages must be checked in at the concessions area and logged by the Concessions Server(s). Event attendees must check out their beverages from the server. Only one beverage may be checked out at a time. At the conclusion of the event, of age event attendees who have checked in alcoholic beverages may take their remaining beverages with them.

If it is determined that an event participant has provided alcohol to an underage person, both individuals will be asked to leave by Student Activities Staff. University Police will be contacted and a citation and/or campus Citizenship Education referral may result. University police will dispose of the individual's remaining alcohol.

Event participants engaging in inappropriate or disruptive behavior and/or who appear intoxicated will be asked to leave. University Police will be contacted and a citation and/or campus Citizenship Education referral may result. University police will dispose of the individual's remaining alcohol. If there is a belief a person is highly intoxicated, University Police and EMS will be notified by Student Activities Staff.

Upon the close of the event, the sponsoring organization will assist with the appropriate recycling of containers from the event, as well as any related cleanup as requested by the Student Activities Staff.

Any alcoholic beverages left at the conclusion of the approved BYOB event will be disposed of by the Student Activities staff.

## **12. Policy on Illegal Drugs (PPM No. 36)**

### **Purpose**

The University of North Carolina at Asheville is an academic community dedicated to the transmission and advancement of knowledge and understanding. The Board of Trustees is committed to the maintenance and protection of an environment in which students and faculty members may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

Moreover, it is the obligation of all members of the University community, faculty, students, administrators, and other employees – to help maintain an environment where academic freedom flourishes and in which the rights of each member of the academic community are respected. The illegal use of and trafficking in drugs can jeopardize the welfare of members of this academic community. Accordingly, in an effort to responsibly address such threats to the integrity of the academic environment, the Board of Trustees adopts this policy.

### **Applicable Policies, Practices and Programs**

#### **A. Education, Prevention, Counseling and Rehabilitation**

1. Just as the primary purpose of The University of North Carolina at Asheville is education, so also the University's major effort to address drug abuse should be educa-

tional in nature. The University shall maintain a comprehensive drug education program available to all members of the academic community (students, faculty, administration and staff). The activities of the program shall be the responsibility of the Drug and Alcohol Education Task Force composed of two faculty members appointed by the Vice Chancellor for Academic Affairs, two students appointed by the Student Government President and two staff/administrators appointed by the Chancellor. The Vice Chancellor for Student Affairs or his designee shall chair the committee. The Task Force shall develop and coordinate an ongoing program available to all members of the academic community that:

- a. informs members of the academic community about the health hazards associated with drug abuse.
  - b. emphasizes the incompatibility of drug abuse and maximum achievement of personal and educational goals.
  - c. encourages members of the campus community to make use of available campus and community counseling, medical and rehabilitation resources in dealing with drug abuse problems.
  - d. informs members of the academic community that they also may be subject to criminal prosecution for violating state laws relating to the illegal use, possession, delivery, sale, manufacture or creation of controlled substances.
2. UNC Asheville shall provide information about drug counseling and rehabilitation services to members of the University community, through campus-based programs for students and through community-based organizations for faculty, staff and students. Persons who voluntarily avail themselves of University services shall be assured that applicable professional standards of confidentiality will be observed.
- B. Enforcement and Penalties
1. The University of North Carolina at Asheville shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs from the University community. The institutional policy on illegal drugs shall be publicized in catalogues and other relevant materials prepared for all enrolled and prospective students and in relevant materials distributed to faculty members, administrators and other employees.
  2. Students, faculty members, administrators, and other employees are responsible as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the University community who violates that law is subject both to prosecution and punishment by civil authorities and to disciplinary proceedings by the University. It is not "double jeopardy" for both the civil authorities and the University to proceed against and punish a person for the same specified conduct. The University shall initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the University.
  3. Penalties shall be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by the Student Government Association Judicial Code of The University of North Carolina at Asheville, THE CODE, BOARD OF GOVERNORS THE UNIVERSITY OF NORTH CAROLINA, Chapter VI, Academic Freedom and Tenure, Section 603, Due Process before Discharge or the Imposition of Serious Sanctions, appropriate sections of the current UNCA FACULTY HANDBOOK, and the University Personnel Policies for Designated Employees Exempt From the State Personnel Act, The University of North Carolina at Asheville, and by regulations for the State Personnel Commission.
  4. The penalties to be imposed by the University shall range from written warnings with probationary status to expulsions from enrollment and discharges from employment.

However, the following minimum penalties shall be imposed for the particular offenses described.

a. Trafficking in Illegal Drugs

1. For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, N. C. General Statutes 90-89, or Schedule II, N. C. General Statutes 90-90, (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.
2. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, N. C. General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.

b. Illegal Possession of Drugs

1. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N. C. General Stat. 90-89, or Schedule II, N. C. General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.
2. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N. C. General Statutes 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the Chancellor or the Chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.
3. For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators or other employees.

5. Suspension Pending Final Disposition

When a student, faculty member, administrator, or other employee has been charged by the University with a violation of policies concerning illegal drugs, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the Chancellor or, in the Chancellor's absence, the Chancellor's designee concludes that the person's continued presence within the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community; provided, that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

## Implementation and Reporting

Annually, the Chancellor shall submit to the Board of Trustees a report on campus activities related to illegal drugs for the preceding year. The reports shall include, as a minimum, the following:

- (1) A listing of the major educational activities conducted during the year;
- (2) A report on any illegal drug-related incidents, including any sanctions imposed;
- (3) An assessment by the Chancellor of the effectiveness of the campus program and;

- (4) Any proposed changes in the policy on illegal drugs.  
A copy of the report shall be provided to the President of the University.

### **13. Disorderly Conduct Policy (NC General Statute § 14 288.4.)**

- (a) Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:
- (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.
  - (2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.
  - (3) Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative.
  - (4) Refuses to vacate any building or facility of any public or private educational institution in obedience to any of the following:
    - a. An order of the chief administrative officer of the institution, or the officer's representative, who shall include for colleges and universities the vice chancellor for student affairs or the vice chancellor's equivalent for the institution, the dean of students or the dean's equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the institution.
    - b. An order given by any fireman or public health officer acting within the scope of the fireman's or officer's authority.
    - c. If a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of the officer's authority.
  - (5) Shall, after being forbidden to do so by the chief administrative officer, or the officer's authorized representative, of any public or private educational institution:
    - a. Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or
    - b. Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility.
  - (6) Disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto.
    - (6a) Engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.
  - (7) Except as provided in subdivision (8) of this subsection, disrupts, disturbs, or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly.
  - (8) Engages in conduct with the intent to impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to the funeral or memorial service, including a military funeral, service, or family processional, or with the normal activities and functions occurring in the facilities or buildings where a funeral or memorial service, including a military funeral or memorial service, is taking place. Any of the following conduct that occurs within one hour preceding, during, or within one hour after a funeral or memorial service shall constitute disorderly conduct under this subdivision:

- a. Displaying, within 300 feet of the ceremonial site, location being used for the funeral or memorial, or the family's processional route to the funeral or memorial service, any visual image that conveys fighting words or actual or imminent threats of harm directed to any person or property associated with the funeral, memorial service, or processional route.
- b. Uttering, within 300 feet of the ceremonial site, location being used for the funeral or memorial service, or the family's processional route to the funeral or memorial service, loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification in a manner that would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or processional route.
- c. Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial.

As used in this section the term "building or facility" includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

- (b) Except as provided in subsection (c) of this section, any person who willfully engages in disorderly conduct is guilty of a Class 2 misdemeanor.
- (c) A person who commits a violation of subdivision (8) of subsection (a) of this section is guilty of:
  - (1) A Class 2 misdemeanor for a first offense.
  - (2) A Class 1 misdemeanor for a second offense.
  - (3) A Class 1 felony for a third or subsequent offense. (1969, c. 869, s. 1; 1971, c. 668, s. 1; 1973, c. 1347; 1975, c. 19, s. 4; 1983, c. 39, s. 5; 1987, c. 671, s. 1; 1993, c. 539, s. 189; 1994, Ex. Sess., c. 24, s. 14(c); 2001 26, s. 2; 2006 169, s. 1.)

## 14. Smoking Policy (PPM No. 48)

The University of North Carolina Asheville is committed to providing employees and students with a safe and healthful environment. Evidence shows that tobacco use in general, including smoking and breathing secondhand smoke, constitutes a significant health hazard.

### Policy Statement

The University of North Carolina Asheville (the "University") is dedicated to maintaining a healthy working and learning environment. Smoking is prohibited inside University buildings, facilities, and residence halls. Smoking is also prohibited in all outdoor areas within the University Heights loop around campus, except for in areas designated as smoking areas on the campus map located at ([http://www.unca.edu/campusmap/smoke\\_free\\_map.pdf](http://www.unca.edu/campusmap/smoke_free_map.pdf)).

Smoking will also be prohibited within 100 feet of University buildings, outdoor athletic facilities, and outdoor recreation facilities. The only exception to this 100-foot rule is outside University Residence Halls, where outdoor designated smoking areas may be closer to buildings for the purpose of resident safety.

For the purpose of this policy, smoking is defined as burning any type of tobacco product including, but not limited to, cigarettes, cigars, cigarillos, pipes, and bidis.

### Signage

The University will post signs about the policy appropriately throughout campus. This policy will also be published on the University website at <http://www2.unca.edu/policies/SmokingPolicy.htm>.

### Applicability

This policy applies to all University visitors, volunteers, students, faculty, EPA non-faculty, all staff members, and student employees. It is the responsibility of every member of the University community to comply with this policy. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events and cultural events will be required to abide by this Policy.

## **Enforcement**

Effective implementation of this Smoking Policy depends upon the courtesy, respect, commitment, and cooperation of all members of the UNC Asheville community to comply with this policy. In the event that violations of this policy do occur, violations should be brought to the attention of the person who is most directly responsible for the violation. If that does not resolve the situation, it should be brought to the attention of the person/office responsible for the workplace, event, or residence, or to that responsible party's supervisor. Complaints against students will be addressed through the Student Code of Community Standards process, and will be resolved according to the procedures therein. Any person, including a guest of the University, who is uncooperative when being asked to cease smoking in a prohibited area, may be issued a state citation by University Police, if initial measures are ineffective.

## **Cessation Support**

Smoking cessation support and referrals, particularly nicotine replacement therapy, will be offered to students through the Student Health and Counseling Center and to employees through the Human Resources Office.

# **15. Student Organizations**

## **University Recognition**

The University of North Carolina, Asheville is committed to a policy of open access. In order for a student organization to apply for use of University meeting space, to use the University's name, to use UNC Asheville as an address, or to apply for Student Organization funds, they must first seek recognition through the Office of Student Activities.

Each year, Student Organizations must be recognized by the Office of Student Activities and the Student Organization Council.

In order to become recognized, the organization must be open for full membership and participation by any student without regard to race, religion, national origin, disability, age, veteran status, sexual orientation, and gender, except where allowed by law. The majority of membership must be current UNC Asheville students and all officers must be currently enrolled in 6 credit hours or more.

When the organization is ready to seek recognition they must complete the Application for Official University Recognition (available in HU 215) and submit this along with a Statement of Purpose or a Constitution to the Office of Student Activities.

The organization's Constitution or Statement of Purpose must contain the following information: organization name, purpose, the process and the time line for electing officers, the role(s) of officers, the role of your advisor, your meeting schedule (date, time, and location) and the process for removal of officers.

Additional information about recognition may be obtained from the Office of Student Activities (HU 245) or by emailing [studentorgs@unca.edu](mailto:studentorgs@unca.edu).

## **Student Government Association (SGA)**

Student Government Association represents you, the student, at the local, state and national levels. It strives to make the voice of the student body heard through constant contact with UNC General Administration, the General Assembly and the UNC Asheville administration. The Student Government Association President is a full voting member of the UNC Asheville Board of Trustees. The Student Government plays an active and vital part in the decision and policy-making processes at UNC Asheville. Recognized by the university as the official governing body of its students, the Student Government Association is organized into executive and legislative branches. Each branch focuses on a specific area while keeping in contact with the other. This creates a checks and balances system that ensures every decision is made fairly and in the best interests of students.

Every student enrolled at UNC Asheville is considered a member of the Student Government Association and is invited to get involved. Officials are elected each spring, except freshman senators who are elected in the fall. Appointments of qualified applicants are made throughout the year. A

minimum grade-point average of 2.0 and current enrollment in at least six semester hours of classes is required to hold a position.

## Funding by Campus Commission

The Campus Commission exists for the purpose of funding student organization sponsored activities. Any student organization officially recognized by the University is eligible to request student appropriations from the Campus Commission; however, a request does not insure that appropriations will be made.

1. **Funding Request.** The Campus Commission reviews all requests for student appropriations. It is the responsibility of the Commission to allocate the student appropriations to various organizations. Organizations must give an oral request for funding in addition to a written one.
2. **Approval of Funding.** Organizations receiving funds from Campus Commission must complete a Campus Commission Authorization form. This will allow the Office of Student Activities and Integrative Learning to know who is authorized to request payments to be made for their organization. The Associate Director of Student Activities and Integrative Learning will be responsible for any correspondence between an organization and the Business Office, including check requests and deposits.
3. **Deposit of Funds.** Any funds designated for Campus Commission account (Campus Commission or personal funds) must be deposited through the Office of Student Activities and Integrative Learning. Failure to do so will result in the loss of all funds for the remainder of the year. A request for funds may not be made until the next funding cycle.
4. **Use of Funds.** All organizations receiving funds from Campus Commission must use those funds for the activities for which they were requested and granted.

## Organization Fund Raising

Student organizations can raise money for their organization if they are willing to put forth the time, effort, and the creativity demanded for a good fund-raising campaign.

### Raffles (PPM No. 21)

The University Policy and Procedures Manual addresses the following about raffles: "The University, as a recognized tax-exempt organization, is permitted up to two raffles per year. Campus groups or associations may not conduct raffles under the 'umbrella' of the university's tax-exempt status unless they have obtained express written approval from the Chancellor. Any campus organization wishing to utilize one of the two permissible University raffles should apply in writing to the Chancellor. The application should state the reasons why a particular request justifies utilizing one of the two raffles permitted the University annually. Because raffles are so strictly controlled by statute, authorization to conduct a raffle under the University's 'umbrella' will be granted only in exceptional circumstances."

## Sponsorship by Faculty/Staff Members

All recognized student organizations must have a full time UNC Asheville faculty or staff advisor. Being an organization advisor can be a rewarding experience and important extension of the classroom.

## Student Organization Conduct

It is important that the rights and privileges of clubs and organizations and their members be protected through a policy that provides a process for review of alleged misconduct. This section defines the process of working with and holding a club or organization accountable when there is a violation of university policy of federal, state, or local laws. This policy will be in effect in situations on or off campus at the discretion of the University depending on the interest of the University. The purpose of this policy is to define the circumstances and the process for handling matters if the University deems it necessary to review the status of a recognized student organization, as well as sanctions that may follow.

### 1. Student Organization Conduct Offenses

- A. University societies, fraternities, sororities, clubs, organizations, and groups are subject to the same standards of conduct, both on and off campus, as are students in the academic

community.

- B. Failure to abide by the Student Code of Conduct or federal, state, or local laws and other policies specifically applicable to student groups, or the knowing failure of any organized group to exercise preventive measures relative to violation of the code by their members shall constitute a group violation.
  - C. The failure of any officially organized group to act in a manner that prevents their members from abiding by the University Code of Conduct, federal, state, or local laws, or other applicable policies will constitute inappropriate behavior on the part of the organization.
  - D. Applicable sanctions may result from inappropriate behavior on the part of the organization.
2. **Due Process for Groups**
- A. A complaint that a student organization has committed an act of misconduct may be filed against any officially recognized student club or organization. The complaint may be filed by any student, any member of the university faculty, administration, staff, or any aggrieved person, group or organization on campus or in the community.
  - B. A complaint against a student organization must be submitted in writing to the Director of Student Activities & Integrative Learning within 15 days after the club or organization in question has been identified.

### 3. **Structure for Process**

- A. The Director of Student Activities and Integrative Learning or his/her designee shall serve as the chair of a panel composed of at least one faculty, one staff, and one student member. In case of a tie vote, the chair will then become a voting member of the panel. The Vice Chancellor for Academic Affairs will choose the faculty representative, the Vice Chancellor for Student Affairs will choose the staff representative, and the Student Government President will choose the student representative who will serve on the panel. This panel may call a meeting with the organization through its president or appropriate officers.  
The panel will:
  - 1. Provide notice of the meeting to the organization.
  - 2. Conduct the meeting.
  - 3. Make recommendations, when necessary, regarding the organization's failure to abide by appropriate policy or laws, to the Vice Chancellor for Student Affairs.
  - 4. Recommend sanctions against the organization.
- B. If the panel determines that individuals, rather than the organization, should be held responsible, those individuals will be referred to the Student Conduct System.

### 4. **Determining Responsibility for Actions**

Any one of the following criteria may be used to determine that an organization is responsible for an inappropriate action. Criteria include, but are not limited to, the following listing. The behavior of one or more members of the organization is inappropriate and/or

- 1. is sanctioned or condoned by one or more of the organization's officers either implicitly or explicitly.
- 2. is perceived by any of those involved that the inappropriate behavior is a condition for membership in the organization (i.e. hazing).
- 3. was discussed and supported during a meeting of the organization.
- 4. occurs on property owned or leased by the organization.
- 5. the action is carried out using the name of the organization.
- 6. the action occurs in an area reserved for the organization at a public event.
- 7. the action is carried out by any member of the organization who is aware of the potential of inappropriate behavior and does not take appropriate action to prevent inappropriate behavior and/or inform the appropriate University officials.

*Note: For the purpose of this policy, a pledge, associate, candidate, neophyte or any other affiliate of the organization is considered to be a member of the organization.*

### 5. **Organization Rights:**

Student organizations at the UNC Asheville are guaranteed the following rights:

- A. To be afforded due process in a fair and timely meeting, including the right to challenge any of the panel members and the composition of the panel prior to beginning the meeting.
- B. To have full knowledge of the report in writing in advance of the meeting.

- C. To obtain all documentation and ask questions of the person(s) who made the report.
- D. To be afforded adequate time to prepare for the meeting. A minimum five academic day notice shall be given before the meeting. An organization may waive this five day minimum.
- E. To offer information and to allow others to offer information, to question persons or information presented, as well as to talk with those who saw the behavior in question.
- F. To have the advice of student counsel or their national advisor in preparing for a meeting.
- G. To receive in writing the decision of the panel.
- H. To appeal any sanction to the Vice Chancellor for Student Affairs based on claims that improper procedures were followed.
- I. To waive any of these rights. A statement that you accept responsibility for the behavior represents a waiver of the hearing rights of those individuals involved in the inappropriate action.
- J. To a closed meeting.
- K. To have the organizational (faculty/staff) advisor present when the panel is discussing the behavior in question.

## 6. Organization Sanctions

If the organization is found responsible, one or more of the following sanctions may be imposed.

- A. Reprimand is an official notice of censure. If, within two years, an organization with a reprimand is held responsible for any additional behavior that goes against the Code of Conduct, the sanction imposed shall be nothing less than probation.
- B. Social Probation is imposed for a specific period of time but not for less than four weeks during a regular academic term. The sanction prohibits the organization from sponsoring any organized activity, party, or function on or off campus. The organization can have meetings but will not be allowed to use other University resources in any way.
- C. Probation is for a specific period of time and carries the immediate threat of charter revocation or restriction for any inappropriate actions committed during the term of the sanctions. The organization may seek and add members but may not enjoy any of the privileges removed under Social Probation.
- D. Organization Suspension is the temporary removal of University Registration usually not for more than one semester in addition to the one in which the behavior occurred. While under suspension, the organization may not continue to occupy property on campus, may not seek or add members, hold or sponsor events in the University community, on or off campus, or enjoy any of the privileges removed under Social Probation.
- E. Organization Expulsion is the permanent removal of University Registration for an organization. Charter revocation may be recommended by the panel but can be imposed only by the Chancellor.
- F. In addition to the above, any of the following sanctions can be added to the total sanctions at the discretion of the hearing panel:
  - 1. Exclusion from intramural competition.
  - 2. Restitution of loss to University or person.
  - 3. Denial of use of University facilities for meetings or activities.
  - 4. Rushing or recruiting suspension.
  - 5. Special educational assignments.
  - 6. Loss of student fee funding opportunity, including but not limited to Campus Commission.
  - 7. Community service assignments.
  - 8. Special sanctions when appropriate.

## University Rights and Obligations

The University of North Carolina at Asheville has the right and responsibility to respond to situations involving student organizations and its members in a timely and responsible manner. The University reserves the right to suspend registration of any student organization for an interim period prior to the review panel convening to discuss the problem. This will be done only when the nature of the allegations justifies a reasonable belief by the Chancellor that such an action is appropriate to protect the interests of one or more individuals, or the University community as a whole. Student organizations and their leaders play an important role in meeting the needs of members and providing

valuable learning experiences. Students join organizations expecting these organizations to follow their prescribed purposes and to provide for the welfare of their members. This policy will hold these values to be true, and the organizations and University policies accountable to each other. The University has a responsibility to the community as a whole, and therefore will take action on such matters whether they occur on or off campus, depending on the severity of the behavior.

## **16. Space Scheduling and Use Policy** (PPM No. 20)

The University of North Carolina at Asheville recognizes and is committed to the benefits of an orderly process of inquiry and to the presentation of differing ideas and issues.

Meetings of student and faculty groups are vital to the educational process, and campus affiliated groups are encouraged to use University facilities when their meetings are a part of their University work or an outgrowth of it.

To the extent that space is available, and subject to reasonable procedures for reservations, the University welcomes off-campus groups when their work is compatible with or supplementary to the educational mission of the University. However, the University reserves the right to deny the use of its facilities for any meeting or program which threatens to endanger or disrupt the educational activity of the institution.

### **A. General Policies and Procedures**

#### **1. Space Management**

In order to assure that needed space and other resources will be available for meetings and special events, it is necessary that all buildings, classrooms, lecture halls, conference rooms, and exterior space be properly scheduled. This is the only way to prevent confusion and conflicts.

In order to provide for proper space scheduling, the following people are designated as area/space coordinators:

Current space coordinators can be found online at: <http://www.unca.edu/calendar/facilities.asp>

All members of the University community must make reservations for the use of space through the appropriate area/space coordinator. If necessary, the coordinator is responsible for making adequate advance arrangements with the Director of Facilities Management. Work required will be a factor in determining rental rates.

#### **2. Priorities**

The University recognizes its primary responsibility is to provide space and resources to campus groups. Therefore, campus groups have priority in scheduling use of space. Campus facilities are allocated first for academic use and second to student activities. In order to make space available to campus groups and to assure reasonable order and availability, the following procedures are to be followed.

- a. Campus groups must schedule space with the appropriate coordinator at least two weeks before the event.
- b. Space will be scheduled for campus groups on a first-come, first-served basis.
- c. Generally, the use of campus facilities is available to recognized student groups without charge. However, recognized student groups may be charged a fee for the use of campus facilities if they plan to charge a fee for entry to their activities, or solicit donations from participants. They may also be charged for facility use if their activity results in extraordinary expenses to the University. The process for assessing fees will be in accordance with and consistent with those applicable to off-campus groups.

#### **3. Use of Facilities by Off-Campus Groups**

Groups from off campus may use University space from time to time, but scheduling of off-campus groups must be secondary to the University's responsibility to provide space and resources to the regular University community. Off-campus groups may not schedule at one time a series of regular meetings throughout the year or semester. This practice limits access to space by other groups. The Laurel Forum is not available for use by off-campus groups per original agreement.

Most spaces require payment of a rental fee. Each coordinator will be responsible for negotiations with off-campus groups. Approval of rentals to off-campus groups and collection and dispersal of all funds is the responsibility of the building coordinator who is expected to consult with the Vice Chancellor for Finance and Campus Operations on a fee schedule. Where appropriate the coordinator shall notify the Public Safety Department and the Director of Facilities Management that an off-campus group is using university space. Reserved parking shall be kept to a minimum. The coordinator is responsible for communicating special parking needs to the Director of Public Safety several days in advance of the scheduled event.

#### **4. Master Calendar**

A master calendar of all scheduled events is maintained by the area/space coordinators. The master calendar can be viewed on the UNC Asheville website ([www.unca.edu](http://www.unca.edu)).

#### **5. Political Meetings**

The University is a publicly owned institution and its space and resources are open to persons and groups involved in the political process. Appropriate scheduling is necessary, particularly so as to prevent interference with the normal processes of the institution. In all matters political, the University is neutral. Space and resources are available to persons and groups involved in politics without preference.

#### **6. Animals**

Animals are not permitted inside any University building. Service Assistance dogs and laboratory animals are exceptions to this rule.

### **B. Fund Solicitation, Sales and Commercial Promotions**

Fund raising activities by student groups must be approved by the Vice Chancellor for Student Affairs. Fund raising activities by faculty and staff must be approved by the Vice Chancellor for Academic Affairs.

The University has had the policy for many years of supporting the State Employees Combined Campaign as the sole fund raising activity on the campus for general community purposes. No fund raising by or for off-campus groups will be permitted without the approval of the University General Counsel.

Selling of goods and services and sales promotions must be approved by the same officials as listed above for fund raising.

### **C. Distribution of Written Material**

#### **1. Hand Distributions**

Campus groups may distribute by hand such announcements and written information as they may choose. University supplies and employee time will not be used for non-university functions.

Off-campus persons and groups must have approval of the appropriate area/space coordinator before distributing by hand any written material. The purpose of the procedure is not to prevent or restrict freedom of speech or assembly but to insure the orderly process of the University's activities.

#### **2. Mail Distribution**

Off-campus groups may not use the campus mail system or the University bulk mail stamp except when service is coordinated with the United States Postal Service. Campus groups wishing to distribute items in student mailboxes must contact the Director of Housing for approval. The Housing Office is not responsible for placing flyers in student mailboxes.

#### **3. Bulletin Boards**

Off-campus groups may post notices on bulletin boards only after approval of the appropriate coordinator and must bear the name, address and telephone number of the group.

No notice, advertisement or document of any kind may be attached to any wall, glass or other such surface. Bulletin boards are provided for such purposes. Items attached to other surfaces will be removed. Damage to walls or other surfaces resulting from violation of this policy will require that the individual or group be responsible for repair, and may subject individuals to penalties under North Carolina General Statute 14-132 ([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/By-Section/Chapter\\_14/GS\\_14-132.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/By-Section/Chapter_14/GS_14-132.html)).

## **D. Food Service**

The food company having current contract will have right of first refusal on all food served on campus by on-campus or off-campus groups. All exceptions must be approved in advance by the Vice Chancellor for Student Affairs. On or off-campus groups who use UNC Asheville facilities and serve food at their functions or activities are expected to use the University food service contractor for food service. If the food service contractor cannot or elects not to provide this service, the group may petition the Vice Chancellor for Student Affairs through the building coordinator to use an off-campus caterer for food service.

## **E. Alcohol Consumption**

The consumption of alcoholic beverages by off-campus groups using UNC Asheville facilities is generally prohibited. Exceptions for off-campus groups wanting to serve beverages with less than 14 percent alcohol by volume may be made by the University General Counsel upon petition by the building coordinators.

On-campus groups must adhere to the alcoholic beverage policy as set forth and outlined in the Student Handbook, the Faculty Handbook and Policy 26, Alcoholic Beverage Policy, of the UNC Asheville Policy and Procedures Manual.

For information regarding the use of The Kellogg Center, please visit: <http://www.kelloggcenter.org/index.php>

## **17. Americans with Disabilities Act of 1990 and Section 504 of the Vocational Rehabilitation Act of 1973**

In accordance with the Americans with Disabilities Act of 1990 and Section 504 of the Vocational Rehabilitation Act of 1973, The University of North Carolina at Asheville provides equal opportunities in higher education to academically qualified students with visual, hearing, physical, chronic, medical, learning, psychological and psychiatric disabilities and other disabilities contained in these acts. The University does not discriminate against prospective students or enrolled students on the basis of their disability. All admissions decisions and programmatic decisions, both in and out of the classroom, are in accordance with Federal Legislation. In each instance, UNCA faculty and staff adheres to Federal laws regarding the education of individuals with disabilities.

If necessary, the faculty make the accommodations necessary to insure full participation and fair evaluation of all students. The faculty should consult the Faculty Handbook for more guidelines for accommodating students with disabilities. All questions regarding appropriate accommodations for disabled students should be brought to the attention of Disability Services (<http://www2.unca.edu/disabilityservices/>). Complete copies of these acts may be found in Ramsey Library.

## **18. Parking**

All Faculty, Staff, Undergraduate and Graduate Students must purchase a decal to park on campus at anytime. The normal business hours for designated parking lot enforcement are from 7:30 a.m. to 5:00 p.m., Mon– Fri. All UNC Asheville parking permits expire on August 1st of each year. New permits for each new academic year must be displayed no later than the first day of classes. Parking permit fees are regularly reviewed by the Board of Trustees and may be changed without otherwise affecting these regulations. Permits may be purchased from University Police, located in Vance Hall.

## **Freshman Students**

Freshmen may not park on campus for the duration of their freshman years (fall and spring semesters). This includes transfer freshmen with fewer than 25 semester hours. Freshmen may apply for a Freshman Parking Waiver if they have special circumstances. Freshmen who are granted a waiver will be notified by the Transportation Office of their designated parking location and any additional policies not stated here.

## Residential and Non-residential Students

All residential students must park in lots specifically designated for residential students (including on evenings, weekends, and holidays); refer to the Campus Map for specific lot numbers and locations. Residential students may not park in non-residential or faculty/staff lots at any time. Non-residential students must park in lots specifically for non-residential students, and they may not park in residential student lots; they may park in faculty/staff lots after normal business hours M-F from 5 p.m. to 7:30 a.m., and on weekends.

## Visitors

The Visitors parking lot is centrally located on campus in parking Lot 6 beside Phillips Hall. The Visitors Lot is reserved for visitors 24 hours a day and no permit is required in this lot.

## 19. Sidewalks and Walkways

Bicycles, motor vehicles, mopeds, roller skates of any kind, roller blades and skateboards are prohibited on campus sidewalks and walkways. A university citation may be issued for violation of this regulation.

## 20. Mass Electronic E-mail Messages

### Faculty and Staff Mailings

Members of the campus community may send e-mail messages dealing with official university business to all faculty by using the mailing list [faculty\\_official@unca.edu](mailto:faculty_official@unca.edu) and to all staff by using [staff\\_official@unca.edu](mailto:staff_official@unca.edu). Membership in these two lists is mandatory for all faculty and staff, respectively. Determination of whether a message is appropriate for the lists is left to the discretion of the sender.

A third list, [unca\\_forum@unca.edu](mailto:unca_forum@unca.edu), is a combined list made up of the UNC Asheville email addresses from the current faculty, staff, retiree and official volunteers. Membership in this list is not open to the general public, is voluntary and users may be added or removed from it at their request. This list should be used for personal, unofficial communication with the campus community. Two of many possible examples of messages that should be sent to this list are announcements of items for sale, and of situations or services wanted. Additionally, the list can be used as a vehicle for inter-campus dialogue on non-official issues impacting the campus.

### Student mailings

In certain instances, members of the campus community may send an e-mail message to all students by using the mailing list, [students@unca.edu](mailto:students@unca.edu). Access to this list is controlled, and messages may be sent to all students only with approval of the Office of the Vice Chancellor for Student Affairs. That office will approve messages that meet one of the following criteria:

- They alert the student community to an emergency situation on campus.
- They give information about situations that would substantially alter the normal operation of the university (for example, weather-related class delays or closings, and special university-wide events)
- They contain information relating to academic or campus community life that is important to significant portions of the student body (for example, registration and financial aid deadlines)
- They contain information that the Chancellor judges to be important to the student community.

Members of the campus community may send messages to [students@unca.edu](mailto:students@unca.edu). Those messages will go first to a clearinghouse where they will be reviewed on a timely basis for appropriate content by the office named above. Appropriate messages will be released and sent to all students. Inappropriate messages will be returned to their senders, with an accompanying explanation of the decision to deny distribution to the students.

## 21. Student Computing and Network Usage Policy (PPM No. 71)

**Purpose:** This policy states the obligations and rules that students of The University of North Carolina Asheville must follow in their use of computing and networks.

**Scope:** This policy applies to all UNC Asheville students and students of other institutions attending classes delivered at UNC Asheville and who use University and computing resources.

### Policy:

#### Introduction

The University of North Carolina Asheville's (hereinafter "University") computing and telecommunications networks, computing equipment and computing resources are owned by the University and are provided primarily to support the academic and administrative functions of the University. The use of this equipment and technologies is governed by federal and state law, and University policies and procedures. Additional rules and regulations may be adopted by various divisions/departments to meet specific administrative or academic needs. Any adopted requirements must be in compliance with applicable federal and state laws, and this policy.

#### Regulatory Limitations

The University may monitor use of computing equipment, networks, and systems for the following purposes:

- A. To ensure the security and operating performance of its systems and networks.
- B. To enforce University policies.
- C. The University reserves the right to limit access when federal or state laws or University policies are violated or where University contractual obligations or University operations may be impeded.
- D. The University may authorize confidential passwords or other secure entry identification; however, students have no expectation of privacy in the material sent or received by them over the University computing systems or networks. While general content review will not be undertaken, monitoring of this material may occur for the reasons specified above.
- E. The University generally does not monitor or restrict material residing on University computers housed within a private domicile or on non-University computers, whether or not such computers are attached or able to connect to campus networks.
- F. All material prepared and utilized for work purposes and posted to or sent over University computing and other telecommunicating equipment, systems or networks must be accurate and must correctly identify the creator and receiver of such.
- G. A personal home page or a personal collection of electronic material that is accessible to others must include a disclaimer that reads as follows: "The material located at this site is not endorsed, sponsored or provided by or on behalf of the University of North Carolina Asheville."

#### Permissible Use

Students are expected to follow this policy and any related University rules, regulations and procedures for University work produced on computing equipment, systems and networks. Students may access these technologies for personal uses if the following restrictions are followed:

- A. The use is lawful under federal or state laws including copyright and trademark.
- B. The use is not prohibited by Board of Governors, University or institutional policies. All policies governing student conduct apply to student use of computing and networking resources.
- C. The use does not overload the University computing equipment or systems, or otherwise harm or negatively impact the system's performance.
- D. The use does not result in commercial gain or private profit (other than allowable under University intellectual property policies).
- E. The use does not state or imply University sponsorship or endorsement.
- F. The use does not violate state or federal laws or University policies against race or sex discrimination, including sexual harassment.
- G. The use does not involve unauthorized passwords or identifying data that attempts to circumvent

system security or in any way attempts to gain unauthorized access.

- H. If the use is recreational, it does not prevent use by another University community member for legitimate University work.

### **Violation of Policy**

- A. Sanctions for violation of this policy may include suspension or revocation of access privileges in addition to any other sanction permitted under the student conduct code.
- B. The Chief Information Officer (CIO) may suspend a student's access privileges for as long as necessary in order to protect the University's computing resources. As soon as practicable following the suspension, the CIO must take the following actions:
- The student must be provided with written notice of the suspension and the reasons for it.
  - The student must be given an opportunity to meet with the CIO to discuss the suspension if the student requests it.
  - Following the meeting, the student must be notified that the student may appeal to the Chief of Staff if the student is dissatisfied with the outcome of the meeting.
- C. The CIO may refer the matter to the student conduct system.
- D. Violations of law may also be referred for criminal or civil prosecution.

## **22. Possession or Manufacture of Certain Fraudulent Forms of Identification.** North Carolina General Statute §14-100.1

- (a) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly possess or manufacture a false or fraudulent form of identification as defined in this section for the purpose of deception, fraud, or other criminal conduct.
- (b) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent information.
- (c) Possession of a form of identification obtained in violation of subsection (b) of this section shall constitute a violation of subsection (a) of this section.
- (d) For purposes of this section, a "form of identification" means any of the following or any replica thereof:
- An identification card containing a picture, issued by any department, agency, or subdivision of the State of North Carolina, the federal government, or any other state.
  - A military identification card containing a picture.
  - A passport.
  - An alien registration card containing a picture.
- (e) A violation of this section shall be punished as a Class 1 misdemeanor.  
(2001-461, s. 1; 2001-487, s. 42(a).)

## **23. Fire Laws**

### **Burning of schoolhouses or buildings of educational institutions.**

North Carolina General Statute § 14-60. If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning of, any schoolhouse or building owned, leased or used by any public or private school, college or educational institution, he shall be punished as a Class F felon.

### **Giving false fire alarms; molesting fire-alarm, fire-detection or fire-extinguishing system.**

North Carolina General Statute § 14-286. It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving, a false alarm of fire, or to break the glass key protector, or to pull the slide, arm, or lever of any station or signal box of any fire-alarm system, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way to willfully interfere with, damage, deface, molest, or injure

any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor.

## 24. Hazing Laws

**Hazing; definition and punishment.** North Carolina General Statute § 14-35.

It is unlawful for any student in attendance at any university, college, 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 misdemeanor.

**Witnesses in hazing trials; no indictment to be founded on self-criminating testimony.** North Carolina Statute § 14-38.

In all trials for the offense of hazing any student or other person subpoenaed as a witness in behalf of the State shall be required to testify if called upon to do so: Provided, however, that no student or other person so testifying shall be amenable or subject to indictment on account of, or by reason of, such testimony.

## 25. Guidelines for Students with Children

The first responsibility of students enrolled at UNC Asheville is their commitment to academics. However, the university recognizes that some students have parental responsibilities that occasionally may affect their decisions about class participation and/or participation in other academic-related activities. Thus, students are expected to observe the following guidelines.

### **Guidelines:**

- Children are not to be left unattended on campus for any reason at any time.
- In no circumstances should sick children be brought into the classroom.
- Students with parental responsibilities should speak with each faculty member about the possibility that these responsibilities may affect class participation prior to the end of the drop/add period at the beginning of each semester.

Examples of issues to be discussed include, but are not limited to the possibility of: (a) needing to miss class to attend to a sick child or (b) needing to transport children to and from school/day-care and/or other activities.

The extent to which circumstances will be accommodated or affect a student's ability to achieve course objectives will be left to the discretion of each faculty member. Students may choose to stay in the course or drop. Again, it is emphasized that students should have this conversation prior to the end of the drop/add period.