

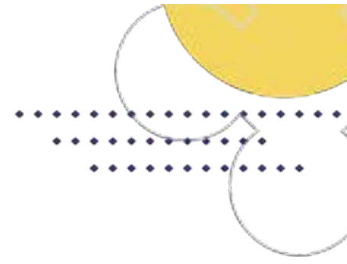


***The  
Duke  
Community  
Standard  
2023-2024\****

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**A guide for our shared community expectations**

**\*Updated Spring 2024**

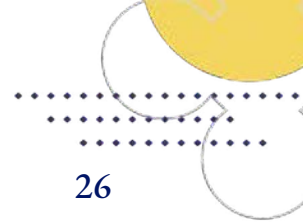


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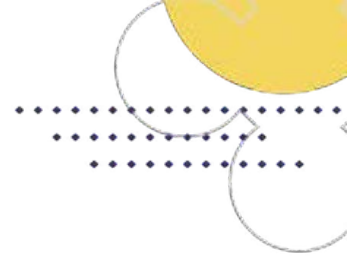
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# About OSCCS

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The Office of Student Conduct and Community Standards strengthens personal responsibility and accountability through investigation and resolution of alleged violations of university policies. We encourage honesty, integrity, and respect within the campus community as promoted by our honor code, the Duke Community Standard. Any student named in a report of a possible violation of university policy is presumed to not be in violation of such unless the student accepts responsibility for the violation(s) and/or the disciplinary process makes such a determination.

The Office of Student Conduct and Community Standards is committed to an environment free of harassment and sexual violence. Students who have experienced what they believe to be harassment and/or sexual misconduct by another student are encouraged to contact the Office for Institutional Equity (919-684-8222; oie-help@duke.edu) to learn about support resources, accommodations and/or possible resolution options.

## How to Reach Us

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### **Location:**

The Office of Student Conduct and Community Standards is located on the 2nd floor of the Crowell Building, on East Campus behind Wilson dorm and Friedl building.

200 Crowell Hall Box 90893  
Durham, NC 27708-0893

Phone: 919-684-6938

Fax: 919-681-7390

Email: [conduct@duke.edu](mailto:conduct@duke.edu)

Office hours: 8:00 a.m.- 5:00 p.m. Monday – Friday



## Mission

It is the mission of the Office of Student Conduct and Community Standards to partner with students, staff, faculty, and the greater city of Durham to promote citizenship, community, integrity, responsibility, and accountability. This is done through proactive education and engagement, promotion of adaptable resolutions, and connection through community.

OSCCS envisions an office that continually grows and evolves with the campus community. OSCCS values truth, transparency, communication and equity.

## Vision

We envision an integrated campus community that is committed to the holistic growth, nurturing, and education of each individual to become the best citizens they can be.

## Staffing

The Office of Student Conduct and Community Standards is comprised of:

Associate Dean of Students: Serve as representatives of the Dean of Students Office and provide overall strategic leadership, direction and support for OSCCS Staff

Assistant Dean of Students: Serve as representatives of the Dean of Students Office in investigating and bringing resolution to matters of misconduct on behalf of the Dean of Students.

## Values & Guiding Principles

- Duke University has high expectations and regard for its students' engagements and achievements.
- The University has an obligation to aid students in their development as "adults committed to high ethical standards and full participation as leaders in their communities" (Duke University Mission Statement).
- An integral part of a student's education is the opportunity for self-determination reflected by academic and co-curricular choices and concomitant behavioral decisions.
- Institutional policies and procedures should balance the provision of a safe and productive learning environment with protection of individual freedoms.
- Students are accountable for the decisions they make and are expected to take responsibility for the consequences (positive and negative) of those decisions.
- All members of the community - students, faculty, and staff - play a role in defining community norms and standards and for enabling students' accountability.
- Students' actions have bearing on the University community regardless of location and venue.
- It is important to balance fundamental fairness/due process with the flexibility required to maintain order and foster learning in a university environment.
- Balancing the interests/concerns of individuals with those of the larger community is challenging but of paramount importance.
- Each student and situation is unique and should be considered in context, while holding high regard for fairness and consistency.

- Parents can play both supportive and challenging roles.
- Outreach and response to parents is balanced with students' need for self-determination.
- Duke University's disciplinary process is educationally focused.
- Responses to violations of policy (outcomes) include educational components that encourage self-reflection.
- Resources are available to help students navigate the disciplinary process (e.g., Community Standard Advisors-see Community Standard Advisors section of the Duke Community Standard for more information) who can also support/challenge them, maximizing learning opportunities.
- Disciplinary policies and the disciplinary process reflect Duke's history of respect for academic freedom and freedom of speech.
- Both the University transcript and disciplinary record accurately reflect a student's performance inside and outside of the classroom.
- Outreach and interaction with various facets of the University community help reinforce community expectations and reduce instances of misconduct.
- Partnerships across the institution are important.
- Members of the University community care for one another.
- Everyone makes mistakes. It is not an indictment of one's character to be found in violation of university policy.
- Privacy is highly valued and is expected of all participants in the disciplinary process.
- Motivations of those involved in the disciplinary process are honorable. There are no personal agendas.
- Students will participate with integrity in the conduct process. What students say is assumed true unless information indicates to the contrary.
- Personnel have the skills and knowledge base to effectively do their jobs.

## Hold High the Standard: Upholding the Duke Community Standard

Duke University is a community dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Members of this community commit to reflect upon and uphold these principles in all academic and nonacademic endeavors, and to protect and promote a culture of integrity.

To uphold the Duke Community Standard:

- I will not lie, cheat, or steal in my academic endeavors;
- I will conduct myself honorably in all my endeavors; and
- I will act if the Standard is compromised.

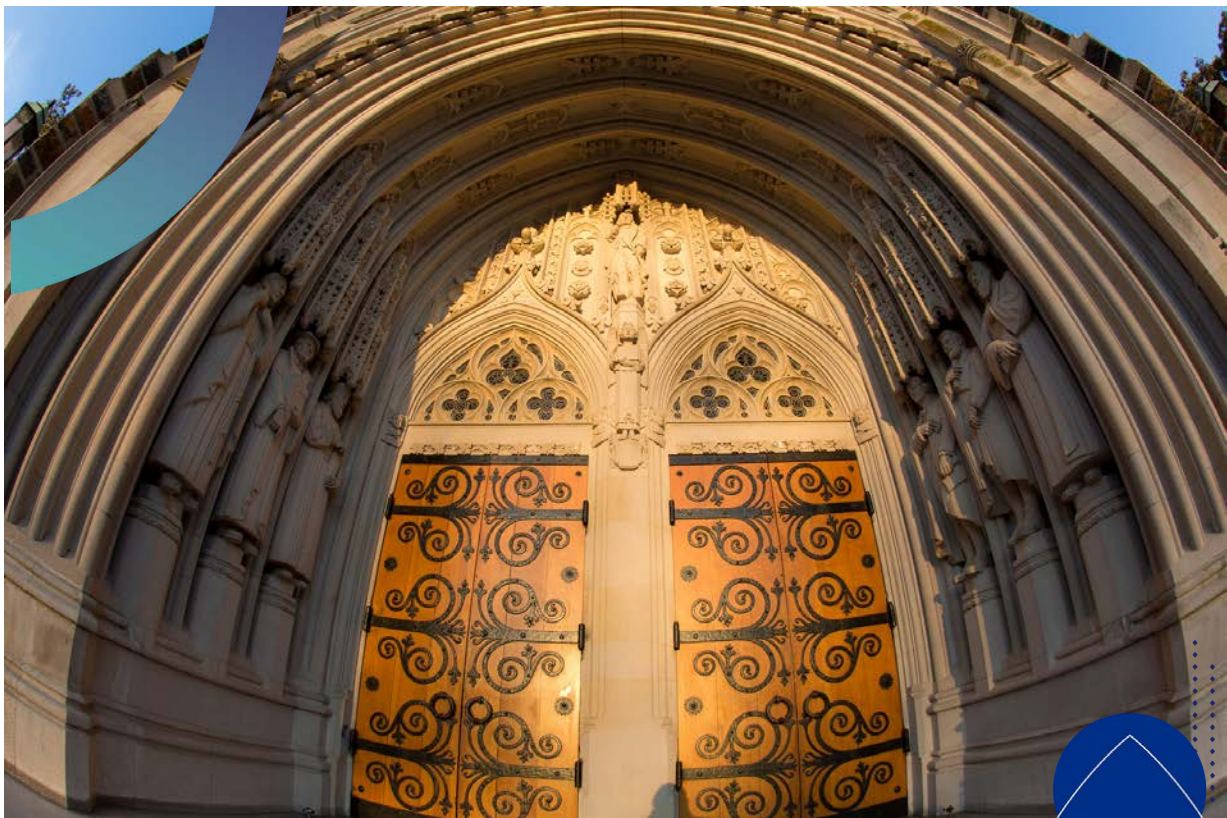
Duke University has high expectations for students' scholarship and conduct. In accepting admission, students indicate their willingness to subscribe to and be governed by the rules and regulations of the university, which flow from the Duke Community Standard.

# A-Z Policies

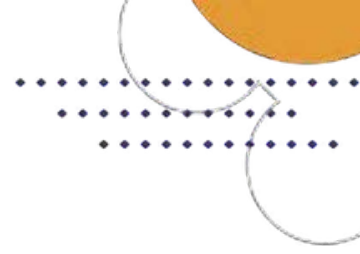
Duke University has high expectations for students' scholarship and conduct. In accepting admission, students indicate their willingness to subscribe to and be governed by the rules and regulations of the university, which flow from the Duke Community Standard. These policies reflect the Duke Community Standard's fundamental values— honesty, fairness, respect, and accountability.

Students acknowledge the right of the university to take disciplinary action, including suspension or expulsion, for failure to abide by the regulations or for other conduct adjudged unsatisfactory or detrimental to the university community.

Students and groups may be held accountable for any violation of university policy that is published in this guide, whether on or off campus. In addition, students must abide by local ordinances and state and federal laws. Note that other university policies that students are expected to abide by are published elsewhere, such as the [Housing and Residence Life \(HRL\) housing license terms](#) (housing & residence life policies), and [university parking regulations](#).







## Academic Dishonesty

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***Note: Students may not drop, change course grading to S/U or withdraw from the course once a report of alleged academic dishonesty has been submitted and/or resolved.***

### Lying

Lying is communicating untruths or misrepresentations in order to gain an academic or employment advantage.

It includes, but is not limited to:

- falsifying information on documents, such as résumés, applications, or references on social media sites (e.g., LinkedIn);
- misrepresenting one's own research;
- providing false or misleading information in order to be excused from classes or assignments; or
- intentionally underperforming on a placement exam.

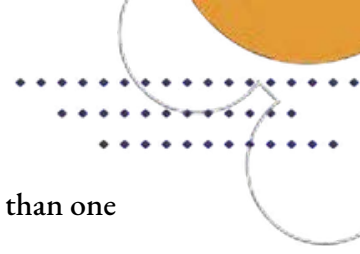
### Cheating

Cheating is the act of wrongfully using or attempting to use unauthorized materials, information, study aids, or the ideas or work of another.

It includes, but is not limited to:

- plagiarism (defined further below) on any assignment;
- giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments, or examinations;
- using or consulting unauthorized materials or using unauthorized equipment or devices on tests, quizzes, assignments, or examinations;
- using, consulting, and/or maintaining unauthorized shared resources including, but not limited to, test banks, solutions materials and/or artificial intelligence (AI);
- altering or falsifying any information on tests, quizzes, assignments, or examinations;





- using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior faculty permission to do so;
- working on any examination, test, quiz, or assignment outside of the time constraints imposed;
- the unauthorized use of prescription medication to enhance academic performance;
- submitting an altered examination or assignment to an instructor for re- grading; or
- failing to adhere to an instructor’s specific directions with respect to the terms of academic integrity or academic honesty.

“Plagiarism” occurs when a student, with intent to deceive or with disregard for proper scholarly procedures, presents any information, ideas, or phrasing of another as if they were the student’s own and/or does not give appropriate credit to the original source. Proper scholarly procedures require that all quoted material be identified by quotation marks or indentation on the page, and the source of information and ideas, if from another, must be identified and be attributed to that source. Students are responsible for learning proper scholarly procedures.

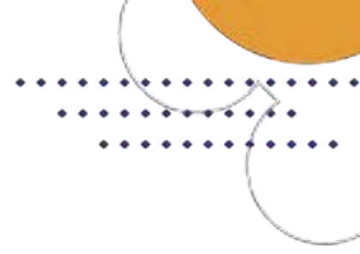
Plagiarism may include:

- copying from published sources without adequate documentation ([1] use of quotation marks around verbatim text, or a block quote if verbatim text exceeds 40-50 words; and [2] in-text references or footnotes, both for verbatim text and paraphrased words/ideas);
- citing an incorrect source for attributed work;
- paraphrasing words or ideas of another without giving credit;
- using the same logic/flow/sentence structure of another without giving credit;
- submitting as your own someone else’s unpublished work, either with or without permission;
- paying someone else to write a paper for you; or,
- purchasing a pre-written paper.

The term “assignment” includes any work, required or volunteered, submitted for review, academic credit, and/or disciplinary sanction.

All academic work undertaken by a student must be completed independently unless the faculty member or other responsible authority expressly authorizes collaboration with another.





## Stealing

Stealing is the act of intentionally taking or appropriating the property of another, including academic work, without consent or permission and with the intent to keep or use the property without the permission of the owner or the rightful possessor.

## Academic Freedom

Freedom of inquiry and the free exchange of ideas are essential for the fulfillment of the university's mission. Academic freedom is a right and responsibility of students as well as faculty. Students who believe that their academic freedom has been abridged should submit a written complaint to their academic dean.

The dean may enlist the faculty in establishing the merits or extent of the complaint by appointing a disinterested two-person subcommittee of the Faculty Hearing Committee to provide advice. Reports not resolved by the dean may be brought to the attention of the provost. Students may also seek advice of the student ombudsperson in resolving a complaint.

## Advertisements

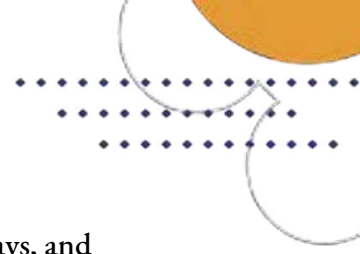
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### Banners

Banners on the exterior or interior of the Brodhead Center, East Union Building, Bryan Center, and the Plaza are approved and installed by Student Involvement and Leadership. Housing and Residence Life approves banners on the exterior/interior of residence halls (contact the appropriate Residence Coordinator). Banners attached to residential buildings are limited to five feet by five feet in dimension (or smaller) and may not cover the windows of a room in a manner that impedes egress. Banners may not have objects hanging from them (normally used to weigh banner down). Only banners or flags can be hung outside of windows. Requests for hanging banners on all other university buildings and light poles must be approved by Facilities Management located at Smith Warehouse, Bay 1 (919-684-2122).

Contact Facilities Management, Student Involvement and Leadership, or Housing and Residence Life for specific guidelines. All exterior banners (including flags) in residential areas must be removed by the last day of classes each semester.





## Chalking

Chalking is prohibited on any surface, including, but not limited to, sidewalks, archways, and benches.

## Promotion and Publicity (i.e. Flyers, Posters, Announcements, Bulletin Boards, and Social Media)

Only Duke University members may publicize events or causes on campus as designated below. The form and content of any promotion and/or publicity will not be restricted, unless it violates University policy or any applicable federal, state, or local law, falsely defames a specific individual/group, constitutes a genuine threat or violates the University's Policy on Prohibited Discrimination, Harassment, and Related Misconduct, or the University's Harassment Policy, unjustifiably invades substantial privacy or confidentiality interests, or is otherwise disruptive to or interferes with the normal operation of the University or University-sponsored activities.

The following guidelines should be followed when posting any materials on campus, whether inside or outside of University owned property:

- Promotion/Publicity must provide information regarding student activities, give information of an academic nature, make announcements pertinent to the business of the university, or supply information to members of the Duke community regarding available campus services or products.
- Promotion/Publicity must state the name of the sponsoring organization, business, department, or person responsible.
- All materials should be posted only on approved bulletin boards or designated posting areas.
- Promotion/Publicity materials must NOT be attached to doors, windows, trashcans, entryways, exteriors of buildings, interior walls, stairway railings, floors, benches or ceilings, nor may they be placed on the windshields of parked automobiles or on sidewalks, or attached or affixed to any tree or utility pole.
- As appropriate for the surface, staples, thumbtacks, magnets, masking tape, or painter's tape may be used to attach promotion/publicity. The use of glue, nails, and duct tape or any other heavy-duty tape is prohibited.
- All Promotion/Publicity (and the fasteners used to attach them) must be removed within three days after the advertised event.
- All promotion/publicity may be periodically removed from bulletin boards as part of routine maintenance or removed at any time if in violation of University policy.
- Academic/Residential spaces may have more restrictive policies regarding promotion/publicity materials in their spaces. Student(s)/Student organization(s) are responsible for inquiring with the appropriate authority for any academic/residential space to learn about the relevant policies.

Student(s)/Student Group(s) may be held accountable for sponsoring and/or co-sponsoring any promotion and/or publicity that may be in violation of any University policies.





# Alcohol & Other Drugs

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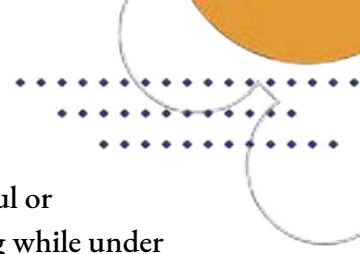
## Overview

As a community of scholars and learners, Duke University expects those within its community to be responsible for their choices related to the use of alcohol and other drugs. In keeping with this principle and federal, state, and local laws, the University's Alcohol and Other Drugs Policy emphasizes individual and shared responsibility, healthy and informed decision-making, the maintenance of a caring environment, and the promotion of genuine dialogue. Students are encouraged to learn about the potential social, physiological, and psychological consequences of alcohol and drug abuse. Excessive and high-risk substance use can lead to negative consequences for the Duke community and its members, including assault, illness, injury, litter, noise, property damage, driving under the influence, arrest and/or criminal charges. All members of the Duke community share responsibility for creating an environment that limits dangerous substance use behaviors and, therefore, reduces the likelihood of these negative outcomes. Members of the Duke community are responsible for behaving in a manner that is not disruptive or endangering to themselves or others. Being under the influence of alcohol shall not be a mitigating factor for an individual's behavior.

## Alcohol

Reasonable use of alcohol is permitted on campus pursuant to the following guidelines:

- Students aged 21 and over may consume and/or possess alcohol on campus (except East Campus). Students under 21 years of age are not permitted to purchase, possess, or consume alcoholic beverages. Student(s) and student groups are considered in violation of this policy if they facilitate the acquisition of alcohol by anyone under the age of 21. An exception may exist for students studying abroad in jurisdictions with different laws regarding the age of alcohol consumption. Students studying abroad must comply with the laws of the jurisdiction in which they are located.
- Alcoholic beverages are not permitted in first-year residence halls or the surrounding grounds.
- Licensed kegs (i.e., kegs obtained from a licensed retailer such as a brewery, ABC, etc.) are allowed for gatherings of 50 or more in the common spaces of residence halls on West Campus (not in private rooms) and other spaces on campus that have been reserved pursuant to the [Guidelines for Events Involving Alcohol](#). Other common-source containers (including but not limited to: punch bowls, coolers, garbage cans, BORGS, kiddie pools, etc.) are prohibited except as specifically authorized by the University.
- Except at events in which licensed service (i.e., a venue that holds a liquor license) is being utilized, hard or spiritous liquors are prohibited.



Student(s) and student groups are prohibited from engaging in actions that are harmful or potentially harmful to oneself or others involving the use of alcohol (i.e., illegal driving while under the influence of alcohol, attempted use of fraudulent identification or another's identification to obtain alcohol, etc.). Actions while under the influence of alcohol that are disruptive to the on- and -off campus communities are also prohibited (i.e., disorderly conduct, damaging property, fighting, running away or hiding from university or public officials).

Any gathering (i.e., 25 guests or more present) where alcohol is present must be registered by the hosting student(s) or student organization(s) and is required to follow the Guidelines for Events Involving Alcohol. The Guidelines for Events Involving Alcohol are designed to promote safe events for community members and help student(s) and student organizations mitigate the risks of hosting an event. For more information regarding registering social events and/or events with alcohol, see the Guidelines for Events Involving Alcohol.

At its discretion, the university may prohibit specific calendar dates, individual(s), student groups, and/or events with alcohol.

## Other Drugs

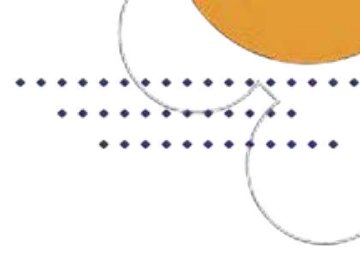
Students and student organizations, regardless of age or location, are prohibited from possessing, using, selling, distributing, growing, manufacturing, and facilitating the use of illegal drugs, controlled substances, and other illegal substances, as well as substances that are used to impair. This includes the improper use of an otherwise lawful substance. This includes substances covered under the North Carolina Controlled Substances Act, the North Carolina Toxic Vapors Act, the Drug-Free Schools and Communities Act and/or any other applicable law.

Duke prohibits the unlawful distribution, possession, social sharing, non-prescribed use, or abuse of prescription drugs. Altering, tampering, or forging a prescription is prohibited.

Duke prohibits driving while under the influence of drugs, regardless of location or age, except as permitted by law.

Duke also prohibits the possession of drug paraphernalia, including but not limited to bongs, pipes, homemade equipment or THC vapes/cartridges.





## Health and Safety Initiative (Amnesty)

Because health and safety of students are of primary importance, students are encouraged not only to look out for their own health and safety but also for that of their peers. When a person's health and/or safety is/are threatened or appear(s) to be in jeopardy, immediate action should be taken to prevent injury/illness/danger.

Dial 911 (or the Duke Police Department at 919-684-2444 if you are on campus) for help.

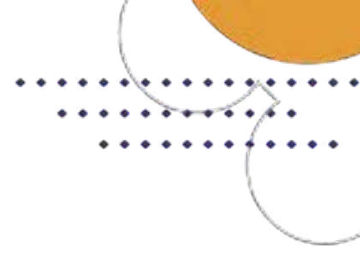
Whatever the particular need/problem, it is important to respond in a responsible and timely manner.

Formal disciplinary action for a violation of possession or use of alcohol and other drugs will not be taken against students for whom medical assistance is sought, or those who seek medical assistance for themselves or for others. Students or student groups who are alleged to have violated other University policies are not entitled to amnesty for their non-alcohol or other drug-related misconduct.

A student who receives medical assistance may be required to attend an approved alcohol or drug education program, educational assignment, assessment, and/or possible referral for treatment. Parents of such students may also be notified. A group that facilitates the acquisition of drugs may also be required to notify its advisor, provide an educational program for members, and/or change its processes for hosting events.

In the event that a student or student group fails to meet with the designated specialist, chooses not to participate in the outlined expectations or programs, or exhibits a pattern of abusive behavior with alcohol and/or other substances, the student or student group may be subject to formal disciplinary action for failure to comply and/or subsequent policy violation(s).





## Animals on Campus

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Any animal brought on campus by students or guests may not be unrestrained. With the exception of service animals, animals are prohibited inside any university facility, unless authorized by the space manager responsible for that facility/space. Any type of animal abuse is prohibited, including but not limited to abandonment of or failure to properly care for an animal. Animals, live or dead, may not be used in pranks or otherwise for amusement or ceremony in connection with any institutional or student group function or activity.

For purposes of this policy, the term “animal” includes any wild or domesticated, warm-blooded or cold-blooded animal. Animals may not be brought to campus for large-scale student events and activities including, but not limited to, Homecoming, Duke Reunions, Last Day of Classes, Springternational, Joe College Day, Old Duke Concert, etc. For more information, contact Student Involvement & Leadership at 919-684-4741.

## Bridge Painting

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The purpose of this policy is to ensure an aesthetically pleasing campus, protect university facilities, and allow for students to use the “Free Expression” bridge/tunnel without damaging neighboring property. Individuals and student groups may express opinions within this area that are not restricted by content, except by legal standards.

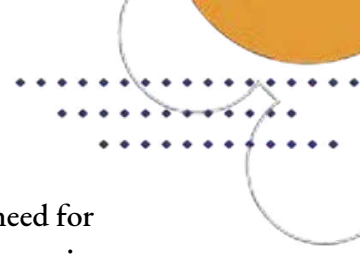
The surface of the “Free Expression” bridge/tunnel (located on Campus Drive under Main Street) may be painted within the span of the ceiling of the tunnel (but not the ceiling itself), as well as on the outer edge of the Pettigrew Bridge facing Campus Drive and, the exterior (inner) face of the concrete Campus Drive tunnel walls.

However, painting is not allowed on the sidewalks or roadways inside or outside the tunnel. Supplies are the responsibility of the painter(s) and are not provided by the university. Painter(s) may not impede the flow of traffic. Any ladders used may not exceed six feet.

There is no restriction regarding painting over the sections of the tunnel that other people or student groups have painted—no matter how recently they have been painted. However, animosity is often generated toward student groups who paint over sections that are advertising events not yet held or sections painted very recently. Please use courtesy and common sense when selecting an area of the tunnel to paint.







Any person may remove non-conforming material. Policy violations resulting in the need for restoration should be reported to Duke University Police. Reimbursement for any restoration costs (i.e., paint removal, cleaning, removal of residual substances, and so on) will be the responsibility of the violating party.

**No painting will be allowed at any other locations on the campus of Duke University, including these areas near the tunnel:**



Painting is permitted on the outer edge of the Pettigrew Bridge facing Campus Drive and the exterior (inner) face of the concrete Campus Drive tunnel walls.



The Main Street Bridge and the railroad trestle (see above)



The Duke stone walls (see above)





The Pettigrew Street Bridge (side of the bridge on Pettigrew Street not overlooking Campus Drive (see above)



On any light poles, signs or signposts (see above)



The steps and handrails from Campus Drive to Pettigrew Street (see above)



Any handrails, roadways, or sidewalks, even if located inside of the tunnel (see above)

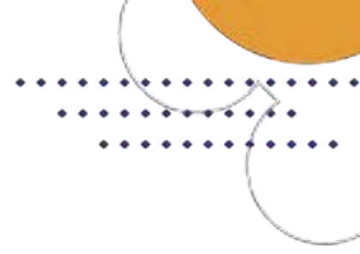
Students or student groups who violate these expectations will be held accountable through the university's disciplinary processes and may also be subject to criminal charges. Note that that defacement of any public property (i.e., property not owned by Duke) is a violation of North Carolina law.

**Although there is no restriction on the content painted on the Free Expression tunnel and the Pettigrew Bridge (except by legal standards), painters should consider the broad effect of what is depicted/written on the walls on the overall campus climate.**

Consider these questions as you plan to paint:

- Is the content in generally good taste?
- Does the content offend or target a specific person or group of people?
- Is the content something that could be taken out of context and appear harmful?
- Is it something that visitors to Duke can appreciate?





## Classroom Disruption

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Students or student groups who behave in the classroom in such a way that the educational experiences of other students and/or the instructor's course objectives are disrupted are subject to disciplinary action, including possible exclusion from a course. Such behavior impedes students' ability to learn or an instructor's ability to teach. Disruptive behavior may include, but is not limited to: non-approved use of electronic devices; cursing or shouting at others in such a way as to be disruptive; or, other violations of an instructor's expectations for classroom conduct.

## Computing and Electric Communication

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### INTRODUCTION

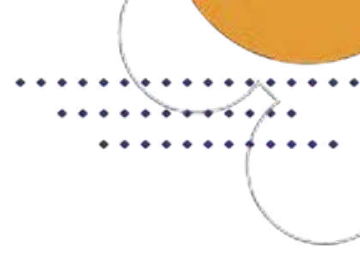
Duke cherishes freedom of expression, the diversity of values and perspectives inherent in an academic institution, the right to acknowledgment, and the value of privacy for all members of the Duke community. At the same time, Duke may be required by law to access and disclose information from computer and network users' accounts or may find it necessary do so in order to protect Duke's legal interests, uphold contractual obligations, or comply with other applicable Duke policies. Duke may also be required to access information to diagnose and correct technical problems.

### ACCEPTABLE USE

In making acceptable use of computing and electronic resources you must:

- Protect your user id and system from unauthorized use. You are responsible for all activities on your user id or that originate from your system.
- Access only information that is your own, that is publicly available, or to which you have been given authorized access.
- Refrain from monopolizing systems, overloading networks with excessive data, degrading services, or wasting computer time, connection time, disk space, printer paper, manuals, or other resources.
- Seek pre-approval from OIT before deploying/using code that potentially impacts server resources or automates processes (e.g., in registering for classes).





In making acceptable use of computing and electronic resources you must not:

- Use another person’s system, files, or data without permission (note that permission from an individual user may not be sufficient—some systems may require additional authority)
- Give your password to another person (including to your parents). Contact the OIT Service Desk if you need assistance with giving other people authority to access your files or e-mail.
- Attempt to circumvent or subvert security measures.
- Engage in any activity that might be purposefully harmful to systems or to any information stored thereon.
- Make unauthorized modifications to university data.
- Make or use illegal copies of copyrighted software or other copyrighted works, store such copies on university systems, or transmit them over university networks.
- Use the university’s systems or networks for commercial purposes; for example, by selling access to your user id or by performing work for profit with university resources in a manner not authorized by the university.

The above list only addresses some of the most common issues that arise with regard to computing. All prohibitions found in applicable law and other university policies also apply to the computer systems.

## GROUP E-MAIL

Duke University has established a group e-mail policy that outlines appropriate uses for group e-mail. This e-mail policy applies to all group e-mails sent through Duke’s e-mail systems. Large-scale e-mail communications, including surveys, announcements, etc., require the implicit or explicit prior approval of that group or unit. Visit the OIT website for full information and current policies at <https://oit.duke.edu/about/policies> . Note that the above computing policies are subject to change.





## Discrimination

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The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status (i.e., protected class status). The Office for Institutional Equity facilitates the intake and investigation of discrimination allegations under the PPDHRM, and OSCCS facilitates the resolution of discrimination matters in which the respondent is an undergraduate or graduate student according to the procedures set forth in the Student Conduct Resolutions and Procedures noted in this guide.

## Disruption, Interference or Disorderly Conduct

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It is prohibited for any individual or student group to intentionally or recklessly engage in conduct that interrupts or interferes with (i) the academic environment or educational experiences of other students and/or instructor's course objectives; (ii) the authorized or other permissible use of University facilities, including University-sponsored or approved activities and events; or (iii) the rights and privileges of other members of the University community.

Prohibited conduct may include, but is not limited to:

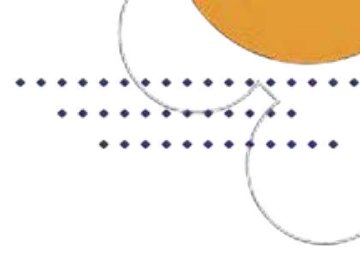
- Preventing members of a class from hearing a lecture or taking an exam;
- Violations of an instructor's expectations for classroom conduct;
- Shouting slurs, epithets, or profane language in public spaces, including classrooms;
- Displaying obscene materials in public view;
- Unreasonable or reckless conduct that is inherently or potentially unsafe to other persons or their real or personal property;
- Reckless driving;
- Refusing to leave a private area or closed meeting when unauthorized to attend;
- Interrupting or interfering with the carrying out of the duties of a university or public official, including law enforcement;
- Urinating, defecating and/or vomiting in public view or in any public or private space not intended for such a purpose;
- Behavior on or off-campus, including online, that significantly interferes with the ability of others to live in a safe and reasonably peaceful environment or interferes with normal operation of the University; and,
- Indecent exposure.

This policy does not restrict expression and academic freedom that is otherwise protected, including speech that some may find objectionable. However, the exercise of those rights must be done in a manner that is free from disruption or interference. You can learn more about free speech [here](#).

## Failure to Comply

A student or student group may be held accountable for failure to comply with:

- reasonable directions, requests, directives, expectations, or orders of any university representative or body acting in an official capacity, or impeding with the carrying out of such directives;
- reasonable instructions of law enforcement officials acting in an official capacity;
- specified protocols and policies for protected research data; and/or
- resolutions and/or outcomes rendered during the disciplinary process (including resolutions and/or outcomes issued by a residential staff member).



## Falsification / Fraud

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Honesty and integrity are critical components of the Duke Community Standard. A student or student group may be subject to disciplinary action for any of the following actions:

- any intentional misrepresentation of fact (by action or concealment), including furnishing false information, to any university official;
- any intentional misrepresentation of fact (by action or concealment) to obtain or attempt to induce another to surrender a right, benefit, or property; and/or
- forgery, alteration, or misuse of any official document, record, key, access code, or instrument of identification, or possession of such forgery.

## Fire Safety

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**PREFACE. See references to the Duke University Safety Manual:**

[www.safety.duke.edu/sites/default/files/IV\\_1FireProtection.pdf](http://www.safety.duke.edu/sites/default/files/IV_1FireProtection.pdf)

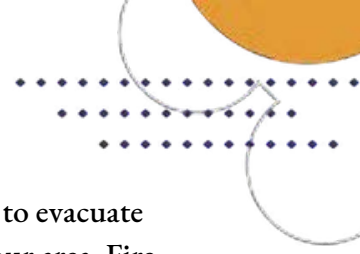
Any supplemental statements listed below apply in addition to those described in the Safety Manual.

### Candles and Other Open Flames:

It is a violation of university policy to light any material on fire on campus. Candles, other open flame devices, and incense are strictly forbidden for use inside Duke University facilities. Battery or electrically powered candles will be used except when a religious activity specifically requires the use of a live flame. Students and groups will be held financially accountable for any damage they cause as a result of violating this policy and will be referred to the disciplinary process. Additionally, students may be subject to revocation of their Housing License for any violation of this policy.

Those individuals wishing to utilize live flame candles in observance of a religious holiday should contact the appropriate Religious Life group at Duke for guidance. OESO Fire & Life Safety (OESO F&LS) will not accept requests directly from students. OESO F&LS will provide information concerning fire prevention directly to Religious Life at Duke and Jewish Life at Duke. Use of candles will not be permitted inside any residential facilities. Requests for use of live flame candles in outdoor locations need to follow the same process and are subject to approval on a case-by-case basis. All personnel should know the location of building fire equipment to include fire extinguishers and manual fire alarm pull stations.





Fire Alarms and Evacuation. In the event of a fire, the most important thing is for you to evacuate the building safely. Make sure you familiarize yourself with the evacuation routes in your area. Fire emergency response is defined by the acronym R.A.C.E. If you discover a fire or see a flame or smoke, follow the RACE procedures: Remove all persons in immediate danger to safety. Activate manual pull station and call or have someone call 911. Close doors and windows to prevent the spread of smoke and fire. Extinguish the fire (if you are able) and/or evacuate.

### **Fire Drill Training:**

OESO Fire & Life Safety Division staff conducts four student housing fire drills per year (two each semester). They go on site to supervise all aspects of the drills, including observation, evaluation, and documentation. The standard procedure entails activating the fire alarm system, usually by engaging a staff member/student volunteer to use a manual pull station.

All students, faculty, staff, and visitors must exit the building and meet at their designated Emergency Assembly Point (EAP). Occupants are then briefed on their performance of evacuating the building, ways in which to improve said evacuation, how to activate a pull station, what to do in the event of a real fire, and how to use a fire extinguisher. Never assume that a fire alarm is a drill or false alarm. Remain calm and evacuate the facility.

Evacuation is mandatory for all individuals when the fire alarm is sounding. Anyone who fails to evacuate may face disciplinary action. Follow the directions of fire and police personnel and never re-enter the building until they give permission to do so.

For more information regarding the policies associated with Fire Safety & Protection, please read and adhere to the following document:

[https://www.safety.duke.edu/sites/default/files/IV\\_1FireProtection.pdf](https://www.safety.duke.edu/sites/default/files/IV_1FireProtection.pdf)

### **Open Fires:**

Students who either provide or contribute materials to burn or who ignite or attempt to ignite flammable materials will be considered in violation of this policy. Students also should realize that such actions violate state law and may result in a citation for unlawful burning.

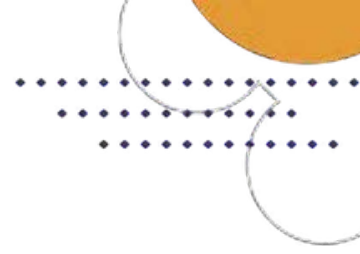
**Grills.** See Open Fires. Failure to abide by this policy and city ordinance may result in a fine as determined by the Durham Fire Marshal in addition to disciplinary action.

### **Electrical Wiring/Appliances:**

Tampering with electrical wiring, including but not limited to the installation of direct-wired ceiling fans and unauthorized entry into electrical panel boxes, is prohibited. Residents are responsible for any damages caused by electrical appliances that are not owned by Duke University.







## **Halogen Lamps**

OESO Fire & Life Safety Division and Housing and Residence Life prohibit halogen lights in residential areas. The very high temperatures reached by their bulbs constitute a fire hazard and a potential source of burns. In addition, the geometry of the floor model lamp tends to make them very unstable and easily tipped over.

## **Decorations, Holiday, and Theme Parties:**

### **Fireworks/Pyrotechnics**

Students or performers may not possess/use fireworks or pyrotechnics of any kind on campus. Anyone who sees a person with these materials should immediately report it to Duke Police.

### **Flammable/Combustible Materials**

Flammable/combustible materials including but not limited to gasoline, lighter fluid, and propane tanks are not permitted inside residential buildings.

### **Obstruction of Hallways, Stairwells, Sidewalks, and Lawns**

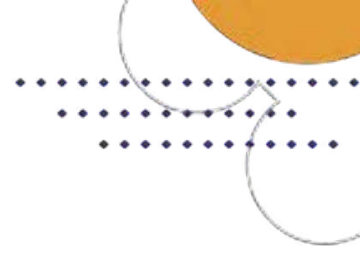
North Carolina fire safety codes prohibit the obstruction of hallways and stairwells. The Durham Fire Marshal mandates the immediate removal of all items obstructing hallways and stairwells. Housing and Residence Life, Facilities Management, OESO Fire & Life Safety, or Duke Police will remove without warning or reimbursement furniture, bicycles, lumber, and all other items found obstructing hallways or stairwells.

University furniture will be removed from hallways and stairwells and residents may be charged for missing furniture. Sidewalks, stairways, and entryways must not be used for purposes other than ingress or egress. Bicycles or scooters may not be left in these areas or other locations where they may cause harm to persons or grounds keeping equipment.

### **Damaging or Tampering with Fire Safety Equipment**

Relocating, removing, tampering with, or destroying smoke detectors or fire safety equipment is strictly prohibited. Damage and/or theft of fire equipment are punishable under North Carolina state law. Intentional false alarms, damage, theft, and misuse of fire detection, alarm, and extinguishing equipment are punishable under the criminal law provision of the North Carolina Statute 14-286 and may result in the loss of housing privileges and/or disciplinary action. In addition, residents will be charged for fire damage resulting from neglect or intentional actions. If a resident or staff member notices any damaged, missing, or malfunctioning equipment, they should immediately report the deficiency to the housing office or OESO Fire & Life Safety Division.





## Gambling

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It is against North Carolina state law and Duke University policy to gamble, with the exception of the state lottery. A student/student group is gambling if the student/student group operates, plays, or bets at any game of chance at which any money, property, or other thing of value is bet. Raffles of any kind, including those sponsored by student groups, are also prohibited. A “raffle” is defined as “a game in which the prize is won by random drawing of the name or number of one or more persons purchasing chances” (N.C.G.S. §14-309.15). Poker nights and casino games are permitted only if no admission is charged, no buy-in is required, and no real money is wagered.

## Guests

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Students and student groups are responsible for notifying their guests of university rules and regulations and may be held accountable for the conduct of their guests. Guests can be Duke University students or non-students.

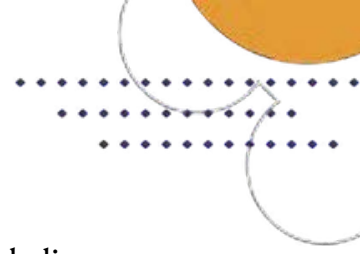
Guests on campus who do not abide by university policies are subject to being trespassed. Students are responsible for the behavior of visitors to their room/apartment and may be found responsible for behavior that occurs there whether or not the occupant(s) is/are present.

## Harassment

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The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of harassment based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status (i.e., protected class status); see <https://oie.duke.edu/ppdhrm> for the PPDHRM policy. The Office for Institutional Equity facilitates the intake and investigation of harassment allegations under PPDHRM, and the Office of Student Conduct and Community Standards facilitates the resolution of harassment matters in which the respondent is an undergraduate or graduate student according to the procedures set forth in the Types of Resolutions section of this document. All other allegations of harassment that do not involve a protected class status are covered under this policy. Under this policy, harassment is defined as unwelcome conduct that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.





This may include, but is not limited to, inappropriate or offensive behaviors online including doxing or electronically distributing personal or private information (if sufficiently severe, persistent, and/or pervasive and creates a hostile environment). Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

## Hazing

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Hazing is a serious infraction of university regulations. The potential for hazing typically arises as part of a student's introduction to or initiation in a student group (fraternity, sorority, athletic team, or other group) in which there is often a perceived or real power differential between members of the student group and those newly joining it.

### **Hazing defined**

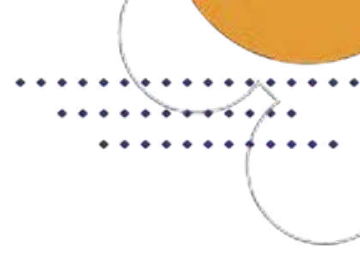
Hazing is defined as any action taken or situation created, whether on or off university premises, that is harmful or potentially harmful to an individual's physical, emotional, or psychological well-being, regardless of an individual's willingness to participate or its bearing on the individual's membership status.

Any student and/or student group found responsible for hazing will be subject to outcomes outlined in the disciplinary process. Sanctioning will increase with the level of violation and any previous hazing violations. (Levels of violation listed above are guidelines only and may change given particular circumstances of a violation.) Students should also be aware that hazing is a misdemeanor under North Carolina state law.

Hazing activities includes such activities and situations but are not to limited the following:

- Blindfolding
- Marching in line
- Road trips
- Wearing apparel which is conspicuous and not normally in good taste, and/or inappropriate for the time of year





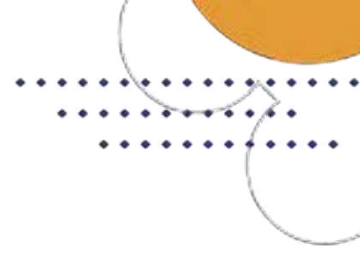
- Calisthenics
- Line-ups
- Pledge/signature books
- Periods of silence
- Standing for a length of time
- Personal servitude
- Activities that would not normally construe hazing but because of time, place, or manner make them inappropriate
- Sleep deprivation or interruption of consecutive sleep hours
- Expected or forced consumption of food, drink (including alcohol), or other substance
- Acts of humiliation or degradation (including streaking or wearing degrading or humiliating apparel)
- Restrictions on eating or bathing
- Acts that disrupt academic instruction or learning of others
- Interruption or interference of academic commitments
- Branding
- Paddling in any form
- Compromising (sexual) situations

**Reporting concerning activities:**

**Acts or potential acts of hazing may be reported to OSCCS (919-684-6938 and/or [students.duke.edu/get-assistance/report-an-incident](https://students.duke.edu/get-assistance/report-an-incident)) or Duke Police (911 or 919-684-2444).**

**In addition, concerns may be reported anonymously via voicemail to the university's Hazing Hotline at 919-684-5766. Maintaining the anonymity of the source is possible, but may limit the extent of action that can be taken.**





## Noise

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Students and student groups are expected to respect the rights of others at all times. During specified hours, higher noise levels are permitted, but must remain at a level considerate of those students who wish to study or sleep. Please refer to the Housing and Residence Life Policy for expectations in the residence halls; see [students.duke.edu/living/housing/residence-life-policies](https://students.duke.edu/living/housing/residence-life-policies). Quiet hours are in effect 24 hours a day, from reading day(s) through the end of finals.

### AMPLIFIED SOUND:

Amplified sound is permitted on the Plaza between noon and 1 p.m. on weekdays with permission from Student Involvement & Leadership.

### ALL CAMPUSES:

Students who are disturbed by noise should attempt to resolve the situation by contacting the other party(ies) involved; or, if needed, seek the assistance of living group officers, resident assistants, graduate residents, or assistant residence coordinators, and residence coordinators. If necessary, persistent complaints may be registered by calling your designated RA on Call or Duke Police at 919-684-2444.

Students are responsible for the actions of their guests; cohesive units, as a whole, may be held responsible for violations of this policy by their individual members or their guests. Initial complaints will be referred to appropriate residential staff. Depending on the nature and severity of the violation, as well as the existence of prior violations, the complaint may be forwarded to the Office of Student Conduct and Community Standards for disciplinary action

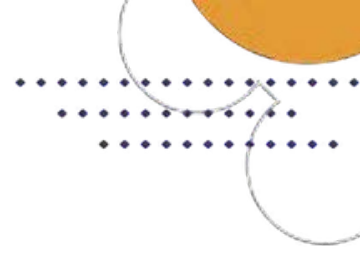
## Physical Abuse

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Any physical abuse, fighting, and/or endangerment to an individual or student group is specifically prohibited. This behavior includes, but is not limited to:

- physical violence or attempted physical violence against a person or student group. This includes fighting.
- threat of physical violence against a person or student group.
- any action that endangers the health, safety, or welfare of a person or student group.





# Pickets, Protests, and Demonstrations

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## Statement of Policy

*Duke University respects the right of all members of the academic community to explore and to discuss questions which interest them, to express opinions publicly and privately, and to join together to demonstrate their concern by orderly means. It is the policy of the university to protect the right of voluntary assembly, to make its facilities available for peaceful assembly, to welcome guest speakers, to protect the exercise of these rights from disruption or interference.*

The university also respects the right of each member of the academic community free from coercion and harassment. It recognizes that academic freedom is no less dependent on ordered liberty than any other freedom, and it understands that the harassment of others is especially reprehensible in a community of scholars. The substitution of noise for speech and force for reason is a rejection and not an application of academic freedom. A determination to discourage conduct which is disruptive and disorderly does not threaten academic freedom; it is rather, a necessary condition of its very existence. Therefore, Duke University will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation. Persons engaging in disruptive action or disorderly conduct shall be subject to disciplinary action, including expulsion or separation, and also charges of violations of law.

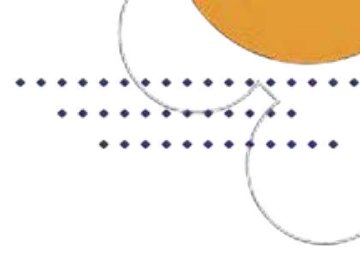
Students planning a picket, protest, or demonstration should contact Student Involvement & Leadership (919-684-4741; leadership@duke.edu) for guidance and further information.

## Rule

Disruptive picketing, protesting, or demonstrating on Duke University property or at any place in use for an authorized university purpose is prohibited.

While Duke University recognizes the right to voluntary assembly, members of the university community must recognize that the Medical Center provides care for individuals needing uninterrupted medical services in tranquil surroundings. Accordingly, all pickets, demonstrations, mass assemblies, and protests shall be confined to campus areas and are strictly prohibited in or around any Medical Center building.





## Hearing and Appeal

Cases arising out of violations of the Pickets and Protests Regulations will be heard by the University Judicial Board, in accordance with the procedures outlined herein. The University Judicial Board shall have jurisdiction over members of the student body, members of the faculty, and administrative personnel of the university not subject to the personnel policy handbook. Hearings will be conducted with regard for academic due process. The decision of the University Judicial Board shall be final if the accused is exonerated or if there is no appeal. In other cases, students may appeal to the president, or, in the president's absence, the provost, in which case such appeal shall be solely on the record of the proceedings before the Hearing Committee of the University Judicial Board. Argument on appeal shall be on written submission, but the president may, in addition, require oral argument.

A Hearing Committee will consist of two faculty members, one dean, and two students. These students will be selected from members of the judicial boards or governments in the undergraduate, graduate, or professional colleges or schools. The chair of the Hearing Committee will be designated by its members. The Hearing Committee will conduct its proceedings in accordance with academic due process.

## Amendments

These regulations on pickets, protests, and demonstrations may be changed or amended by the university at any time but any such change or amendment shall be effective only after publication or other notice. These regulations supersede any regulations heretofore issued on the subject.

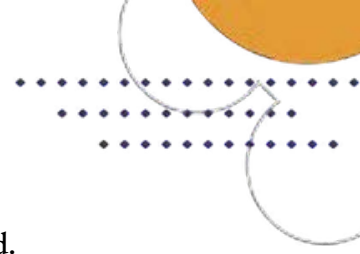
## Properties/Facilities/Services

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Students and student groups are expected to respect the property of others (including that of the university) and may be subject to disciplinary action for the following:

- damage, destruction, or defacement of the property of another, including littering or chalking of university property;
- unauthorized access, entry, and/or use of university or non-university facilities or property, including but not limited to buildings, classrooms, residential rooms, athletic areas, parking areas, roofs, ledges, and tunnels; and/or
- violation of any policy or guidelines pertaining to specific usage of a university facility.





## Retaliation

Retaliation by individual students, groups of students, or student groups is prohibited. Retaliation is an adverse action or threat of adverse action taken against an individual for reporting behavior that may be prohibited by law or policy or participating in an investigation or resolution process related to an allegation of misconduct.

Retaliation must be sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive and that adversely affects the targeted individual's/ student group's educational, work, or living environment.

## Sexual Misconduct

The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of sexual/gender-based harassment and applies to all members of the Duke community (faculty, staff and students (undergraduate, graduate and professional)). The PPDHRM prohibits discrimination and harassment on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status (collectively, “protected status” or “protected characteristics”). The PPDHRM also prohibits related misconduct, such as sexual assault, relationship violence, stalking, and retaliation.

When the Office of Student Conduct and Community Standards receives reports alleging sexual misconduct, we reach out to the complainant to outline options for support and the option to file a formal complaint. The Office for Institutional Equity conducts any investigations under the PPDHRM.

Students are encouraged to seek supportive measures whether or not they choose to file a formal complaint. For additional information about policy, processes, support and reporting of sexual/gender-based violence, see [students.duke.edu/get-assistance/gender-violence](https://students.duke.edu/get-assistance/gender-violence)

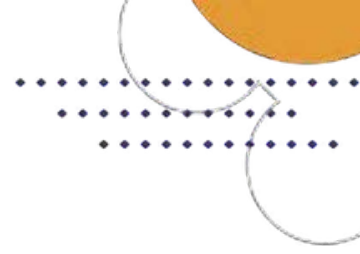
## Smoking

Duke University is smoke-free on all property and grounds owned and leased by Duke. Duke University seeks to preserve a living and working environment supportive of behaviors that contribute to the physical health and well-being of all community members.

Smoking any substance is not permitted in any university building, including residence halls and apartments. Examples of prohibited smoking devices include, but are not limited to, cigarettes, e-cigarettes, and vaporizers.







## Stalking

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Stalking is a course of conduct (including cyberstalking) directed at a specific person that would cause a reasonable person to fear for their or others' safety, or to offer substantial emotional distress.

Sex/gender-based stalking is considered under the Policy on Prohibited Discrimination, Harassment, and Related Misconduct; see <https://oie.duke.edu/ppdhrm>.

## Theft

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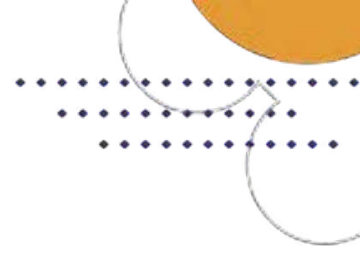
Theft and possession of stolen property are prohibited. Theft is the unauthorized taking of property and/or property/services of another. Possessing stolen property occurs when a student or students know or reasonably should have known that property in their possession was obtained through theft, including knowingly being in possession of stolen goods. This includes, but is not limited to: unauthorized use of vehicles, equipment, services, the Duke University name and logo.

## Unauthorized Surveillance/Photography

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Capturing or recording audio, video, or photographic images of an individual in a location or under circumstances in which that person has a reasonable expectation of privacy, including, but not limited to, shower/locker rooms, residence hall rooms, and restrooms, is prohibited. Also prohibited is the storing, sharing, and/or other distribution of such unauthorized surveillance/photography (no matter whether directly or indirectly obtained) by any means, electronic or non-electronic.





## Weapons/Firearms/Explosives

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Although North Carolina law permits weapons on public university campuses under certain parameters, Duke University policy has not changed and continues to prohibit weapons on campus.

It is against university policy to possess and/or use a gun, rifle, pistol, or other firearm of any kind, or any powerful explosive on university property. Additionally, other than when permitted by the Vice Provost/Vice President for Student Affairs (or designee) for legitimate educational purposes, students are not permitted to possess and/or use on campus any weapon, including but not limited to pepper spray, mace, BB gun, stun gun, paintball gun, potato gun, realistic-looking toy gun, air rifle, air pistol, sword, bowie knife, dagger, slingshot, switchblade knife, blackjack, and metallic knuckles.

## Other Violations

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Other violations for which students or student groups may be subject to disciplinary action include, but are not limited to:

- violating any other published or posted university regulation not specifically mentioned in this guide, including the Housing License, Housing and Residence Life regulations, student activities regulations, guidelines for student groups, parking regulations, student behavioral expectations surrounding public health guidance.
- acting as an accomplice through action or negligence to the commission of any prohibited act;
- attempting or intending to commit any violation of laws and/or university policies; and
- violating local ordinances or state or federal laws (as determined through the university's disciplinary process), including those related to noise, housing occupancy, and/or the use or distribution of alcohol.
- violating computing and electronic communications policies, including Duke's acceptable use policy and group email policy. Please refer to the Office of Information Technology for expectations; see <https://oit.duke.edu/about/policies>.





# Student Conduct System Overview

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

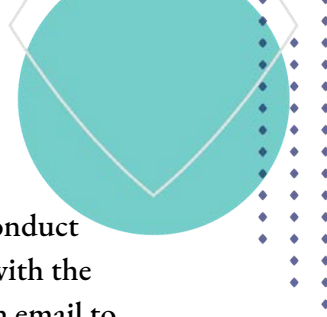
All reports of student behavior may be submitted to the Office of Student Conduct and Community Standards. Staff within the Office of Student Conduct and Community Standards will determine the most appropriate means by which to handle a report. Resolutions may include an Administrative Conference, Adaptable Resolution, Administrative Hearing or Conduct Board Hearing.

Any alleged violation of university policy is within the scope of the Office of Student Conduct and Community Standards. If the Office of Student Conduct and Community Standards determines that another office is more appropriate to handle the situation, the case may be referred to that office. The student conduct system is an educational process and is separate and distinct from a court of law. As such, the student conduct system is not subject to the same rules of procedure nor standard of evidence as a court of law. Additionally, the student conduct process described does not constitute contractual rights.

## Organization

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- The Office of Student Conduct and Community Standards is designated to oversee the conduct system for students. The Office of Student Conduct & Community Standards also facilitates the resolution process for sexual misconduct allegations under the PPDHRM (non-Title IX matters) in which the respondent is an undergraduate, graduate or professional student.
- Hearing officers are designated by the Office of Student Conduct & Community Standards to resolve disciplinary matters through informal or formal disciplinary resolution.
- The Conduct Board (CB) is designated to resolve formal disciplinary matters that involve complicated circumstances, serious infractions of university policy, and/or repeated misconduct. The CB is comprised of students, faculty, and staff. Consideration shall be given to the appointment of a board reflective of the population of the university community.
- The Appellate Board considers appeals of students/groups found responsible and sanctioned through a panel hearing of the Conduct Board, and/or complainants in harassment-related cases. The Vice President/Vice Provost for Student Affairs appoints the chair and other members of the Appellate Board, consisting of faculty, staff, and students.

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- Community Standard Advisors are available to assist students/groups through the conduct process. Advisors include students and staff who have been trained and are familiar with the conduct system. Students may request a Community Standard Advisor by sending an email to [conduct@duke.edu](mailto:conduct@duke.edu).

## Scope

- The university may respond to any complaint of behavior that occurred within a student's career, from application to graduation and will endeavor to resolve all pending conduct matters prior to graduation. In certain circumstances, the Office of Student Conduct and Community Standards may not be able to resolve all pending conduct matters prior to a student's graduation date.
- Any student is subject to disciplinary action. This includes students who have matriculated to, are currently enrolled in, are on leave from, or have been readmitted (following a dismissal) to programs of the university.
- The accused (also referred to as the respondent) may also be a cohesive unit of the university, such as a living group, athletic team, or other recognized organization.
- The university reserves the right to respond to any report of alleged misconduct on or off campus.
- Student group leaders most directly responsible may be held accountable for acting as an accomplice through action or negligence to the commission of prohibited acts at a group-identified event.
- In cases of alleged policy violations by a student enrolled in a joint degree program or interdisciplinary coursework within Duke, each school or unit (the home unit and the host unit) may have a stake in the adjudication. Thus, an ad hoc process shall be developed and an ad hoc panel may be formed with representatives from both institutions/units to handle the case. The outcomes may be different for each school or unit.
- For students doing inter-institutional coursework at other institutions, whether domestic or international, or for visiting students enrolled in classes at Duke, the home and the host institutions should confer and decide the process to be followed, which may include combined or separate elements. The outcomes may be different for each institution.
- The Office for Institutional Equity (Smith Warehouse, Bay 8, 919-684-8222) receives reports and handles complaints alleging Title IX sexual misconduct for students, staff, faculty, and all other non-Duke students, as well as complaints alleging discrimination and harassment by any member of the Duke community (including students), under the Duke Policy on Prohibited Discrimination, Harassment and Related Misconduct (PPDHRM), available at [oie.duke.edu/ppdhrm](http://oie.duke.edu/ppdhrm). The Office of Student Conduct and Community Standards will adjudicate or resolve discrimination and harassment complaints under PPDHRM wherein the respondent is a Duke student.



# The Conduct Process

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## Reports

Reports of behavior alleged to violate university policy should be filed with or forwarded to the Office of Student Conduct and Community Standards. Additional information can be found on the Incident Reporting page.

## Interim Measures

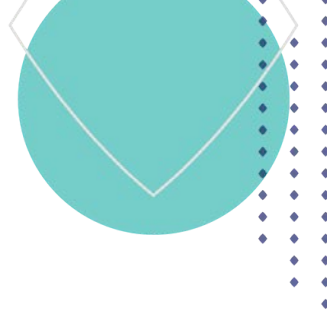
Interim measures may be placed on a student by any member of the Dean of Students staff to protect the health, safety, or welfare of the university community or any member of it. In the case of student groups, interim measures may be placed on a student group by the Office of Student Conduct and Community Standards and/or other administrative unit(s). These measures may include, but are not limited to, a “no contact” directive, removal of privileges, removal from or relocation within the residential community, and suspension of activity.

An interim suspension of a student from the university may be imposed by the Vice Provost/Vice President for Student Affairs, or designee. See the Administrative Action Policy for additional details. Should an interim suspension be issued and resolution of the matter that prompted it not be resolved within two weeks, the interim suspension may convert to an administrative leave of absence.

## Participation

The university invites students/student groups to participate fully in all aspects of the conduct process. If a student/ student group elects not to participate in any part of the process (e.g., submitting a written statement or participating in a hearing), the hearing officer/hearing body may proceed without benefit of that student’s/student group’s input. A student/student group will be held accountable for any outcomes issued as a result of a hearing.





## Investigation

The Office of Student Conduct and Community Standards staff and/or designee(s) will gather information regarding the alleged incident in order to determine the appropriate means of resolution.

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

Cases may be dropped for insufficient information, or referred for an Administrative Conference, Adaptable Resolution, or disciplinary action. In order for a case to be referred for disciplinary action (i.e., an Administrative or Conduct Board Hearing), there must be sufficient information to believe that a policy violation may have occurred and that the alleged student/student group may be responsible.

## Relevance

The Office of Student Conduct and Community Standards, the investigator from the Office for Institutional Equity, hearing officer, or the hearing panel, as appropriate, may exclude and/or redact:

- Information that has no bearing on a fact at issue in the case, is more prejudicial than probative, or is duplicative;
- Medical or mental health information, treatment and/or diagnosis, unless relevant to a fact at issue in the case;
- Sensitive personally identifying information (e.g., social security numbers, contact information, etc.).

Polygraph examinations and/or their results are neither admissible nor considered in any part of the disciplinary process. Generally, character witnesses are not permitted.





# Types of Resolution

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## Administrative Conference

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An Administrative Conference is a non-disciplinary meeting with a hearing officer to discuss the behavior that is of concern. Students will be informed about particular provisions in the *The Duke Community Standard in Practice: A Guide for Students* that may be violated should the behavior of concern repeat. The hearing officer may suggest helpful resources for students and address any further concerns.

## Adaptable Resolution

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OSCCS in conjunction with involved students may choose to utilize an adaptable and/or restorative process to resolve and respond to issues of student behavior that may or may not involve an alleged policy violation. If the adaptable resolution is not successful, the matter may be referred back to the formal conduct process. Records of adaptable resolution will be kept internally and will not be considered part of a student's reportable disciplinary record, unless otherwise specifically stated.

Adaptable Resolution May Include:

### **Resolution through Agreement**

If a student/student group accepts responsibility for (an) alleged violation(s), the hearing officer, or designee, may propose (an) appropriate sanction(s) based on the specifics of the case, precedent and university interests. If the student/student group accepts responsibility and agrees to the proposed sanction(s), the student/student group waives their right to a hearing and/or appeal, the resolution becomes final, and the outcome is recorded on the student's/student group's disciplinary record. If the student/student group accepts responsibility, but is unable to agree to the proposed sanction(s), the case will be forwarded to a hearing to determine (an) appropriate sanction(s). If the student/student group denies responsibility, the case will be forwarded to a hearing to determine responsibility and (a) sanction(s) as appropriate.



## Restorative Practices

The Office of Student Conduct and Community Standards utilizes practices derived from Restorative Justice principles, which may not align with typical Restorative Justice procedures, to address instances of conflict that arise in the community. The purpose of a restorative process is to bring together all parties involved in an incident for the purpose of addressing the harms associated with the conflict. This affords the opportunity for discussion of varying points of view and an opportunity to gain a better understanding of those involved. This may include restorative conversations, circles, and/or other processes to address harm that has been caused.

## Mediation

Mediation is a process that empowers students to resolve their own disputes. Through mediation, a neutral third party assists students in coming to a peaceful and agreeable solution. The university encourages informal mediation whenever practical or appropriate. Students interested in mediation to resolve a conflict should contact the Office of Student Conduct and Community Standards. Staff within the Office of Student Conduct and Community Standards may also refer cases to mediation as appropriate. Ultimately, all parties involved must agree to mediation. If one party does not agree to mediation, or if the mediation fails, the Office of Student Conduct and Community Standards may refer a case for disciplinary resolution if it involves allegations of a university policy violation(s). Failure to comply with the results of mediation may be cause to commence the disciplinary process.







## Faculty-Student Resolution

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A Faculty-Student resolution is a one-time optional resolution process for cases of academic dishonesty involving undergraduates. The faculty member must first contact the Office of Student Conduct and Community Standards to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations by the student. If there is no record of prior offenses and the case appears to be one that, if adjudicated by a hearing panel, would result in probation or a sanction less severe than probation, it may be resolved between the faculty member and the student. Otherwise, the case must be forwarded to the Office of Student Conduct and Community Standards.

A student may not drop, change course grading to S/U or withdraw from the course once a report of alleged academic dishonesty has been submitted and/or resolved.

A faculty-student resolution may result in a reduced grade on the assignment, a reduced grade in the course, additional assignments, and/or other educational initiatives. (The outcome must be agreed upon by both parties.)

The faculty member must report the outcome(s) of a faculty-student resolution to the Office of Student Conduct and Community Standards and notify the student's academic dean for record keeping. This resolution will not become part of the student's reportable disciplinary record unless there is a second violation, at which time both cases will be noted on the student's disciplinary record.

## Disciplinary Hearing

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If a case is referred for disciplinary action, the student/student group will be notified of the incident in question and the policy violation(s) under consideration, and will be given an opportunity to respond. Most cases are decided upon through an administrative hearing, which is a discussion between the student/student group and a hearing officer. Cases that are serious in nature, involve complicated facts, and/or involve students/student groups with previous disciplinary violations may be forwarded to the Conduct Board for resolution. OSCCS will determine which avenue is most appropriate to pursue.

Disciplinary hearings are not trials and are not constrained by the same rules of procedure and evidence typically used in a court of law.



## Aggravating Factor(s)

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Should a hearing panel/officer determine at any point during the investigation or adjudication of a violation that a violation was motivated in part or whole by race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age, the hearing panel/officer may consider this information an aggravating factor that increases the stringency of the sanction(s).

# Administrative or Conduct Board Hearings

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

There are two types of hearings: Administrative Hearings and Conduct Board Hearings (see below for additional information on both types of hearings). Most cases are decided upon through an administrative hearing. Cases that are serious in nature, involve complicated facts, and/or involve students/student groups with previous disciplinary violations may be forwarded to the Conduct Board for resolution.

Students or student groups who deny responsibility for serious offenses of university policy and who face possible suspension or expulsion/de-recognition from the university have the right to request a hearing before a three-person panel of the CB. Students or student groups who accept responsibility for alleged violations of university policy, but are unable to agree on a proposed sanction, which may include suspension or expulsion/de-recognition, have the right to request a hearing before a three-person panel of the CB. (The hearing officer may, due to the circumstances of the case, elect to utilize a panel of the CB.)

Disciplinary hearings are not trials and are not constrained by the same rules of procedure and evidence typically used in a court of law.

# Administrative Hearings

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An administrative hearing is a discussion between a student/student group alleged to be in violation of university policy and a hearing officer. Students/student groups will be notified (typically via e-mail) of the specific violations under consideration in advance of an administrative hearing. The hearing officer will review the report with the student or student group and give the student/student group an opportunity to respond. The hearing officer will determine whether the student/student group is responsible for the alleged policy violation, and, if so, issue (an) appropriate sanction(s). Administrative hearings are conducted in private, except in matters involving allegations of sexual misconduct, in which a student may be accompanied by an advisor of the student's choice.

Upon proper notice, if a student/student group fails to attend an administrative hearing, the hearing officer may proceed to resolve the case without benefit of that student's/student group's input.

All decisions of responsibility are based on the standard of preponderance of information. In determining appropriate outcomes, consideration may be given to the nature of and circumstances surrounding the violation, the student's/ student group's acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student/student group, precedent cases, university interests, and any other information deemed relevant by a hearing panel/officer. Should a hearing officer determine that a violation was motivated in part or whole by race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age, the hearing officer may consider this an aggravating factor that increases the stringency of the sanction(s).

If a student/student group does not accept the administrative hearing resolution, the student/student group may request a hearing before a panel of the Conduct Board by emailing [conduct@duke.edu](mailto:conduct@duke.edu) by the stated deadline.

## Reporting Outcomes to Faculty

Faculty that refer students to the OSCCS for Academic Misconduct cases will receive a notice of the final outcome of the student's case to include:

- Alleged violation and corresponding finding: responsible or not responsible
- All OSCCS issued sanctions and deadlines

Faculty will determine any grade outcomes for any students found responsible after being referred to OSCCS. Students may request that their academic dishonesty sanction be kept confidential.



## Conduct Board Hearings

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The Conduct Board (CB) is a group of students, faculty, and staff appointed to hear alleged infractions of university policy. The board is charged with determining whether a student's/student group's actions constitute a violation of university policy and, if so, an appropriate response. In determining an appropriate response, consideration is given to the student's/student group's interests as well as the university's interest in maintaining high standards.

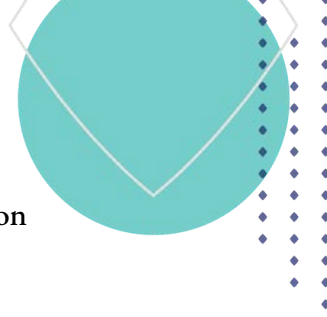
All CB hearings are conducted in private. Any student whose presence is required at a hearing will be excused from any other university responsibility.

Respondents, complainants, advisors, and/or witnesses may not bring devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the hearing panel.

### **Respondents**

Accused students/student groups are entitled to the following procedural rights in a hearing before the Conduct Board:

- to be informed that the student/student group is under investigation;
- to seek advice from anyone;
- to seek advice from a trained advisor made available by the university;
- to be given an opportunity to respond to allegations;
- to choose the extent to which the student/student group shares information;
- to be notified of a hearing at least 120 hours (five days) in advance (notification will include the time, date and location of the hearing as well as names of hearing panel members and witnesses);
- to challenge any panel member if there is a significant conflict of interest;
- to know of and review in advance written information and allegations presented to the hearing panel;
- to be accompanied by an advisor to the hearing (who must be a member of the university community [defined below], except in matters involving allegations of sexual misconduct, in which case a student may select any advisor of the student's choice);
- to an equitable and impartial hearing;
- to rebut any witness testimony presented against the student/student group;
- to present additional witnesses or information at the hearing (the relevancy of which may be determined by the hearing panel);

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- to be found responsible only if the information meets a preponderance of information threshold; and
  - to appeal based upon clearly stated grounds.

## What is "preponderance of information?"

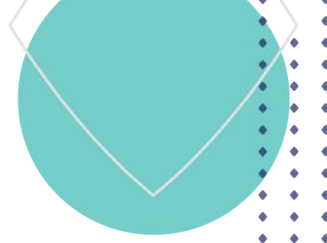
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A preponderance of information means that it is more likely than not that an allegation of misconduct occurred.

### Complainants

Students serving as complainants are entitled to the following procedural rights when participating in a hearing before the Conduct Board:

- to be informed that the respondent is under investigation;
- to seek advice from anyone;
- to seek advice from a trained advisor made available by the university;
- to be given an opportunity to articulate relevant concerns and issues and offer evidence pertaining to allegations;
- to be notified of a hearing at least 120 hours (five days) in advance (notification will include the time, date and location of the hearing as well as names of hearing panel members and witnesses);
- to challenge any panel member if there is a significant conflict of interest;
- to know of and review in advance written information and allegations presented to the hearing panel;
- to be accompanied by an advisor to the hearing (who must be a member of the university community [defined below], except in matters involving allegations of violation(s) of the Policy on Prohibited Discrimination, Harassment, and Related Misconduct, in which case a student may select any advisor of the student's choice);
- to an equitable and impartial hearing;
- to present additional witnesses or information at the hearing (the relevancy of which may be determined by the hearing panel); and
- to appeal a decision in cases of violations of Policy on Prohibited Discrimination, Harassment, and Related Misconduct based upon clearly stated grounds.



## **Community Standard Advisors**

Respondents and student complainants are encouraged to seek advice and support from whomever they choose throughout the conduct process. Only a Community Standard Advisor may accompany a respondent or a student complainant to a CB hearing. The advisor may be from the designated list of trained student and staff advisors available through the Office of Student Conduct and Community Standards, or may be any member of the university community.

A member of the university community is defined as a current student, faculty, or staff member currently employed by the university. In matters involving allegations of protected class discrimination and/or harassment, a complainant and respondent may bring any advisor of their choice to a CB hearing or any meeting. For fraternities and sororities, the advisor may also be the chapter advisor. The advisor may not be a member of the CB and may not serve as a material or expert witness. The role of the advisor is to assist and support the student/student group through the disciplinary process. The advisor's role in a hearing is limited to quietly conferring with the student through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.

The trained student and staff disciplinary advisors are valuable resources, thoroughly familiar with the conduct process. In the event that a recommended advisor is unavailable, a respondent/complainant may ask for the names of additional advisors from the Office of Student Conduct and Community Standards.

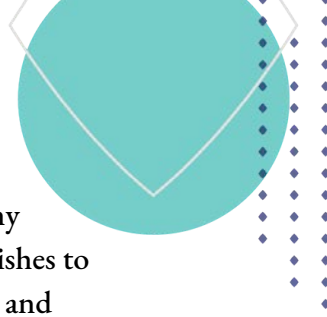
## **Notice**

A respondent and complainant, when applicable, will be notified of a CB hearing at least 120 hours (five days) in advance. The notice will include the date and time of the hearing, the specific charges at issue, and the names of the panel members and witness(es).

At times of the year when 120 hours of notice is not practical due to a student's pending graduation, study abroad, or participation in a university-sponsored activity (e.g., DukeEngage), a student must either waive this right or not participate in the pending activity until the matter is resolved.

A respondent and complainant, when applicable, will also receive in advance of the hearing access to the written information given to the hearing panel. The hearing officer may include information clarifying or noting any additional information gathered through the investigation without expressing any personal opinion about the merits of the case.





In cases not involving allegations of protected class discrimination and/or harassment, any additional material not included in a hearing packet that a complainant or respondent wishes to have reviewed by the hearing panel must be submitted to the Office of Student Conduct and Community Standards no later than 72 hours before the hearing. If deemed relevant by the Office of Student Conduct and Community Standards, that material will be shared with the complainant/respondent and the hearing panel.

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

### **Hearing Panels**

Hearing panels charged with determining an outcome and a sanction (or a sanction-only) shall consist of three individuals consisting of students, staff, and faculty selected from the CB. (In some circumstances, the hearing officer may choose to utilize a five-person panel to determine a sanction in a sanction-only hearing.)

A respondent and complainant, when applicable, may challenge the participation of a panelist because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within 48 hours of notification of the names of the hearing panelists. At its discretion, the Office of Student Conduct and Community Standards will determine whether such a conflict of interest exists and whether a panelist should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

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

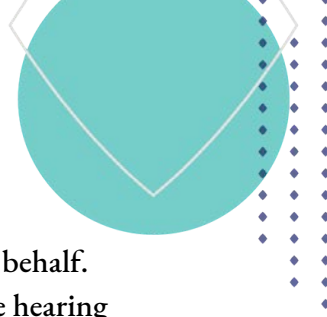
### **Hearing Facilitator**

A staff member from the Office of Student Conduct and Community Standards or designee serves as a hearing facilitator and is a non-voting presence in the hearing.

### **Witnesses**

The hearing officer may request the presence of any witness with pertinent information about a case. Character witnesses are not permitted. If a witness is unidentified or unavailable to attend the hearing, the witness's statement may not constitute a sole or substantial basis for determining responsibility. If the witness is necessary and unidentified or unavailable, the hearing officer or the chair of the hearing panel may suspend or dismiss the proceedings.





The respondent and complainant may bring relevant material witnesses to speak on their behalf. Absent exceptional circumstances, the respondent and/or complainant should inform the hearing officer in writing at least 72 hours in advance of the hearing the names of the witnesses and to what they will attest. The panel may determine the extent to which witnesses will be permitted in the hearing, including relevancy of questioning and information presented.

### **Electronic Devices**

A respondent, complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the hearing panel. The Office of Student Conduct and Community Standards will make an audio recording of the hearing to be kept on file for three years.

Reasonable care will be taken to create a quality audio recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal.

### **Hearing Procedure**

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

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

### **Information to be Considered by the Panel**

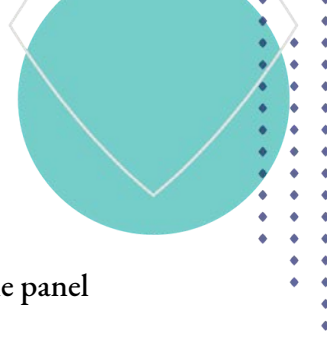
The panel may consider any information it deems relevant, including documentation and expressions of opinion. If the panel needs additional information during a hearing, such as verification of a fact at issue, an expert opinion, etc., the panel may request such information and may suspend its decision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

### **Outcome**

The panel will consider all relevant information provided before and/or during the hearing and reach its determination based on a preponderance of information. The panel may find a student/group responsible for an alleged violation by unanimous vote.







Upon finding a student/student group responsible for a violation of university policy, the panel may determine and impose (an) appropriate sanction(s).

Consideration may be given to the nature of and circumstances surrounding the violation, the student's/student group's acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student/student group, precedent cases, university interests, and any other information deemed relevant by the hearing panel.

All outcomes must be decided by majority vote with the exception of suspension or expulsion of an individual or de-recognition of a student group. The outcomes of suspension or expulsion of an individual or de-recognition of a student group must be supported by unanimous vote by a panel.

### **Notification and Record of the Hearing Outcome**

Within five (5) business days of the conclusion of the hearing, the panel chair and/or the hearing officer, will provide the parties with verbal notification of the hearing outcome. Within ten (10) business days of the conclusion of the hearing, the parties will be provided with written notification of the hearing outcome. The written hearing outcome will contain a brief explanation of the panel's reasoning.

## **Outcomes & Appeals**

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

For cases resolved through the Conduct Board, all outcomes are decided by majority vote with the exception of a suspension or expulsion of an individual or de-recognition of a student group. These outcomes must be supported unanimously by a three-person panel.





## Aggravating Factor(s)

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Should a hearing panel/officer determine at any point during the investigation or adjudication of a violation that a violation was motivated in part or whole by race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age, the hearing panel/officer may consider this information an aggravating factor that increases the stringency of the sanction(s).

## Educational Projects / Initiatives

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

## No Contact Directive

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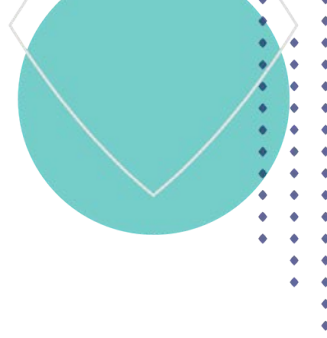
A student or student group may be prohibited from communicating with a named individual. When a No Contact Directive is issued, students are to have no contact by telephone, in writing, by e-mail, through Web pages, or any other communicative means, including third parties. This also includes no physical contact. Failure to comply with this order may result in disciplinary action and/or removal from campus. No Contact Directives apply to all parties involved.

## Housing License Restriction/ Revocation

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





## Fine

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Payment to Duke University of a reasonable sum of money by an individual or student group.

## Mental Health / Medical Assessment And / Or Treatment

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A hearing panel/officer may recommend or require a student to seek a mental health/medical assessment from CAPS, Student Health, or other appropriate professional. The hearing panel/officer will not be privy to the contents of that assessment without the permission of the student but may require verification that the assessment was completed and that the student followed through with recommendations of the professional.

## Restitution

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

## Withdrawal of Privileges

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

## Admonition

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A written notice indicating violation of the specified policy(ies). While on this status, the student remains in good disciplinary standing with the university under the condition that no future violations occur. An admonition will not become a part of a student's reportable disciplinary record.





## Reprimand

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A formal notice that a student or student organization's actions violated University policy, that such actions are not acceptable in our community, and that further misconduct may result in more serious disciplinary action. Reprimand is a communication to the student or student organization that improved decision making is expected in the future. A reprimand is not noted on a student's transcript.

## Disciplinary Probation

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A status imposed on a student or student group for a specific period of time during which another violation of university policy or violation of any of the conditions of the probation will be eligible for suspension. Disciplinary probation restricts a student's ability to study away from Duke through the Global Education Office for Undergraduates, participate in DukeEngage, and be released early from the three-year residency requirement. It also may impact other opportunities in which a student's disciplinary record is considered as a criterion for participation. Disciplinary probation may limit a student group's ability to function as an organization for a specific period of time. Once disciplinary probation has been issued for a student group, another violation of university policy or violation of any of the conditions of the probation shall result in an additional disciplinary action, including the possibility of restriction of activity and/or de-recognition.

## Restriction of Activity (Student Group)

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Residential or cohesive units may be suspended for a specified time period from activities sponsored, cosponsored, performed by, or attended by its members on and/or off campus. A suspension is generally followed by disciplinary probation for a specified period of time. This sanction was formerly known as "Suspension of Activity."

## Exclusion

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

## De-Recognition (Student Group)

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The privilege of a student group to be recognized at Duke University may be suspended or revoked. This sanction was formerly known as "Dissolution." A de-recognized group has lost all rights and privileges associated with being a recognized organization of Duke University.



## Suspension

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A suspension is an involuntary dismissal from the university for a specified period of time, which may include the current semester and such additional semesters as deemed appropriate by the hearing panel/hearing officer.

Returning to Duke as an undergraduate student in good standing is contingent upon satisfaction of any requirements stated in the original outcome letter. Upon a student's return to and matriculation in the university, the student is placed on disciplinary probation for at least one semester or for as long as a hearing panel/hearing officer determines is appropriate.

Requests to return to Duke for graduate/professional students is coordinated through their respective dean. As suspension constitutes an involuntary withdrawal from the university, a permanent notation to that effect is made on the student's permanent academic record.

A student who is suspended after having satisfied all degree requirements must submit a request to return in accordance with normal procedures, as determined by the Time Away Office. If the request to return is approved, the student's degree will be awarded at the regular conferral date for the final semester of the suspension period. The student may not participate in commencement exercises until the return process is complete.

In the event that a disciplinary suspension and an academic withdrawal occur simultaneously, the two withdrawals are to be in effect consecutively.

## Expulsion

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

## Degree Revocation

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





# How to Appeal the Panel's Decision

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A student/student group found responsible through a hearing panel (“respondent”) and/or a complainant, when applicable, in a case may appeal the hearing panel’s decision by submitting a written appeal statement within five business days of the date the hearing report is sent to the respondent (and complainant, as applicable). Appeals are limited to five pages (12-point font, 1-inch margins). The two grounds for appeal are:

1. New information not reasonably available at the time of the hearing that is material to the hearing panel’s decision; and/or
2. Procedural error(s) that materially impacted the hearing panel’s decision.

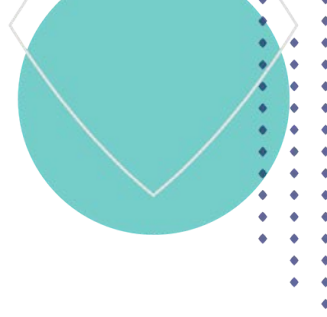
The appeal statement must identify the ground(s) for appeal. Note that an appeal is not a re-hearing of the case.

The composition of the Appellate Board includes members of the university community appointed by the Vice Provost/ Vice President for Student Affairs. The chair of the Appellate Board or the chair’s designee is responsible for selecting three-person panels from membership of the Appellate Board to consider appeals.

If, by majority vote, the appellate panel determines that a ground of appeal is substantiated, the panel will return the case to the Office of Student Conduct and Community Standards. Otherwise, the decision of the hearing panel stands.

When a case is returned to the Office of Student Conduct and Community Standards, the Office of Student Conduct and Community Standards may decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), send the case to the original hearing panel for reconsideration, send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. A different decision (i.e., the decision of responsibility and/or outcomes) may subsequently result.





## Procedures

The Appellate Board’s role is limited to reviewing the hearing panel record, the appealing party’s (“appellant”) written appeal statement, any response to that statement by the other party (“appellee”) as applicable, and information presented at a meeting of the Appellate Board, if convened.

The appellate panel will typically notify the parties of its decision regarding an appeal in writing within 20 business days from receipt of the appeal statement. If the decision will take longer, the chair will inform the parties.

The following procedures guide the Appellate Board process:

### **Appeal Statement**

The written hearing report will include instructions for submitting an appeal. The chair of the Appellate Board may summarily deny an appeal if it is not based on one or both grounds of appeal.

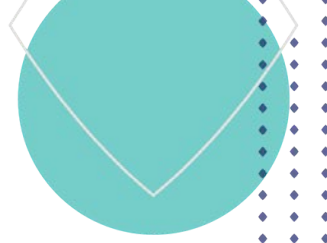
### **Composition of Panel**

If the appeal is not summarily denied by the chair, the chair will convene a three-person panel and notify the appellant and appellee of the names of the panel members. The chair will select two (2) individuals from the Appellate Board to serve on the panel. The appellant and/or appellee may challenge the participation of an appellate panelist because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within 48 hours of notification of the names of the appellate panelists. At its discretion, the chair of the appellate panel will determine whether such a conflict of interest exists and whether a panelist should be replaced. Postponement of an appellate hearing may occur if a replacement panelist cannot be immediately identified.

### **Response to Appeal By Appellee (In Cases Involving Harassment or Sexual Misconduct)**

The chair will provide written notice to the appellee that an appeal has been submitted and will give the appellee an opportunity to review the appeal statement. The appellee may submit a written response to the appeal (“response”). The response is due five business days from the date the chair provides written notice of the appeal to the appellee and is limited to five pages (12-point font, 1- inch margins). The chair will provide the appellant an opportunity to review the response, though no additional opportunity to respond in writing will be provided to the appellant.





## Exceptions

The appellant (and appellee as applicable) may submit to the chair requests for exceptions to page limits or deadlines. Exceptions must be requested in advance of any deadline by sending an email to [appeals@duke.edu](mailto:appeals@duke.edu), with justification for such request(s). If either party fails to meet a deadline or exceeds page limits without receiving an exception, the chair has the discretion to summarily reject an appeal or the appellate panel may disregard the response.

## Meetings

The appellate panel meeting gives the party(ies) an opportunity to amplify the reason(s) for the appeal or the response. Appellant (and appellee as applicable) may bring an advisor of their choice from the university community to the appellate meeting. In cases of sexual misconduct, the choice of advisor is not restricted to the university community. The advisor's role is limited to quietly conferring with the appellant or appellee through written correspondence or whisper, and may not address the appellate panel. In the event an appeal alleges a procedural error, the appellate panel may request that (a) staff member(s) in the Office of Student Conduct and Community Standards, the Office for Institutional Equity, and/or member(s) of the hearing panel attend the meeting to gather more information about the alleged procedural error.

## Written Decision

The Appellate Board will provide written notification of the final decision to the appellant (and appellee, if applicable, at approximately the same time).

# Get Involved with OSCCS

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The Office of Student Conduct and Community Standards exists to support the campus community based on the principles set forth in the Duke Community Standard - honesty, trustworthiness, fairness, and respect for others. There are a number of ways students, faculty and staff can become involved: Conduct Board (students, staff and faculty), OSCCS Interns (students), Community Standard Advisors (students, staff and faculty).

## Conduct Board

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The Conduct Board is a group of students, faculty and staff appointed to hear infractions of university policy. The board is charged with determining whether a student's/group's actions constitute a violation of university policy and, if so, an appropriate response. In determining an appropriate response, consideration is given to the student's/group's interests as well as the university's interest in maintaining high standards.







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

Respondents, complainants, advisors, and/or witnesses may not bring devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the hearing panel.

## Community Standard Advisors

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Community Standard Advisors are students and staff trained in the disciplinary process and most frequently work with students who are under investigation for a possible violation of university policy, though they can also support students who are bringing forward a report of misconduct. They offer information about how the process works, advice on how to approach each stage of the process, and can support students in attendance at a Student Conduct Board hearing. A complete position description of this role is available [here](#).

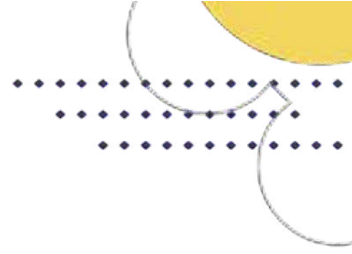
Students are strongly encouraged to seek the assistance of a Community Standard Advisor. A staff and student advisor are typically assigned to students, per their request, at the initial stage of a formal investigation of a possible violation of university policy. We have found that students who take advantage of the services of Community Standard Advisors are more fully informed and approach a possible hearing much better prepared to state their case.

## Community Education

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Our office strives to proactively educate students about university expectations and how to avoid common pitfalls. Contact our office and let us know how we can help educate your group. We're available for presentations, small group discussions, and the like.





## Authorization to Release Form

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### Authorization to Release Form

In order for the Office of Student Conduct & Community Standards at Duke University to have permission to release information concerning any student's disciplinary record to either themselves, an institution, or any other third party, please fill out the Authorization to Release form (<https://students.duke.edu/wp-content/uploads/2022/10/Authorization-to-Release-Information.pdf>).

It is critically important that students/alumni be honest in sharing information about their disciplinary history, as universities/the government do follow up with us. Perhaps the worst thing you can do is minimize or even lie about an incident in which you were involved. Often, a student's forthrightness about an incident, and an explanation of what you have learned from the incident, can be a plus factor for a student.

When the authorization form is completed, the student needs to email the form to [conduct@duke.edu](mailto:conduct@duke.edu).

If any current/former Duke undergraduate student needs their Dean Certification request form sent to a third-party, the student is responsible for providing the appropriate link and instructions to upload their letter with the signed authorization form via email to [conduct@duke.edu](mailto:conduct@duke.edu).

## Disciplinary Records and Student Status

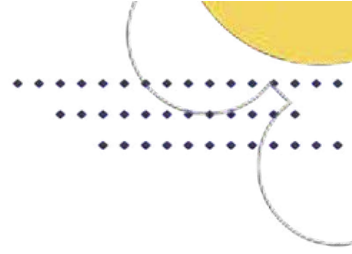
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When students/groups are found responsible for a violation of university policy through an administrative or panel hearing, or accept responsibility through an agreement, the case will be recorded on a student's/group's disciplinary record. The record will be maintained by the Office of Student Conduct and kept in accordance with FERPA. Individual disciplinary records are kept on file until a student graduates or eight years from the date of the student's matriculation (whichever occurs first), except in cases resulting in suspension or expulsion, in which disciplinary records are kept indefinitely.

## Student Status Pending Final Resolution of Disciplinary Case

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Until a final resolution is determined, the status of a student/group will not change unless interim measures have been imposed to protect the health, safety, or welfare of the university community or any member of it. If as a result of interim measures, your student status changes, your eligibility to graduate or participate in commencement exercises may be impacted. A student currently on leave, suspended, or withdrawn from Duke who has a pending disciplinary matter may not be eligible to seek readmission until that matter is resolved.



## Disciplinary Hold

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

## Disciplinary Action While Civil/Criminal Charges Pending

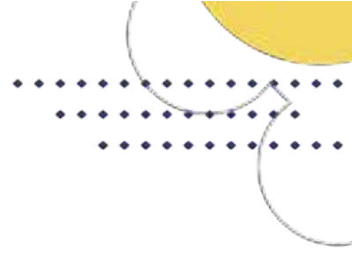
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Students may be accountable to both civil authorities and to the university for acts that violate local, state or federal laws. Students are encouraged to seek advice of legal counsel when they face criminal charges. Disciplinary action through university processes concurrent with criminal action does not subject a student to "double jeopardy."

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

University disciplinary action will normally proceed during the pendency of a criminal or civil action. A student may request, however, that the university disciplinary process be placed on hold until criminal actions are resolved. The hearing officer or designee will decide whether this request will be granted. In such a case, interim measures may be imposed. The university reserves the right to proceed with the disciplinary process at any point.





# Appendices

## Appendix A: The Judicial System of Duke University

The judicial system of the university shall consist of the University Judicial Board and a judicial board for each of the communities hereafter defined. (The student conduct system is part of the larger university judicial system.)

### AUTHORITY OVER POLICIES AND PROCEDURES

Responsibility for prescribing and enforcing rules and regulations governing student conduct rests ultimately with the Board of Trustees of Duke University and, by delegation, with administrative officers of the university and of the college and school. The policies and procedures governing the conduct of undergraduate students may be amended at any time by the Vice Provost/Vice President for Student Affairs and may be implemented with adequate notice to the university community.

### COMMUNITY JUDICIAL BOARDS

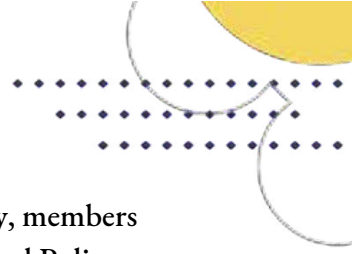
There shall be an undergraduate community consisting of the undergraduates in Trinity College of Arts and Sciences and the Pratt School of Engineering; a Divinity School community; a Fuqua School of Business community; a Law School community; a Medical School community; an Allied Health community consisting of all degree and certificate (i.e., paramedical, nondegree) students in the School of Allied Health; a Nicholas School of the Environment and Earth Sciences community; a School of Nursing community; and a Graduate School community. Each community shall have such judicial system as its governing body may provide.

### THE UNIVERSITY JUDICIAL BOARD

#### **Jurisdiction**

The jurisdiction of the University Judicial Board shall be limited to cases arising out of the pickets and protests regulations and cases involving more than one of the communities as determined by the Vice Provost/Vice President for Student Affairs in consultation with the president and the chair of the University Judicial Board.





The University Judicial Board shall have jurisdiction over members of the student body, members of the faculty, and administrative personnel of the university not subject to the Personnel Policy Manual.

However, all alleged Title IX violations in which a student is named as a respondent are handled through the procedures outlined in the Policy on Prohibited Discrimination, Harassment, and Related Misconduct.

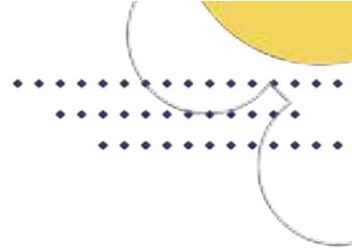
#### Filing of Charges: Responsibilities of Vice Provost/Vice President for Student Affairs

- The Office of the Vice Provost/Vice President for Student Affairs shall have responsibility for receiving complaints, conducting investigations, and preferring charges concerning offenses within the jurisdiction of the board.
- The University Judicial Board shall hear no case without a finding of probable cause made by the Vice Provost/Vice President for Student Affairs, whose signature to the charge or charges shall constitute sufficient evidence of such finding.
- To assist the Vice Provost/Vice President for Student Affairs (VPSA) in the investigation of complaints, the gathering of evidence, and the preparation of charges, investigative and judicial aides may be appointed by the VPSA and shall serve at the VPSA's pleasure and under the direction of the VPSA. The number and specific duties of such aides shall be determined by the VPSA, who shall be fully responsible for all duties performed by them in their capacity as aides.
- The Vice Provost/Vice President for Student Affairs shall subpoena witnesses as directed by the University Judicial Board.
- The Vice Provost/Vice President for Student Affairs may delegate all or any portion of their duties as regards these judicial procedures to an aide or aides. The VPSA shall be responsible for the discharge of all duties thus delegated.

#### MEMBERSHIP

The University Judicial Board shall consist of a chair appointed by the president, five faculty members (two of whom shall be from the Law School) appointed by the Executive Committee of the Academic Council, and two student members from each of the communities (except in the case of the undergraduate community where there should be four members) elected by each community's judicial board. The chair of the board shall select five person panels consisting of a chair and an equal number of students and faculty. Cases referred to the board shall be assigned to the panels in rotation, provided that a member of a panel may, at the member's request, be excused from sitting on a case by the chair of the board, who may appoint a substitute from among the other members of the board. Each panel shall be known as a "Hearing Committee of the University Judicial Board."





## TERMS OF MEMBERS

Faculty members shall normally serve for two-year terms, but are eligible for reappointment. The terms should be staggered in order to provide continuity. Two of the initial appointees shall be appointed for one-year terms. Student members shall serve for one-year terms, although they may be eligible for re-election. The board has the right to remove any member of the board for cause by a vote of a two-thirds majority of all members. The vacancy shall be filled promptly according to the original procedure.

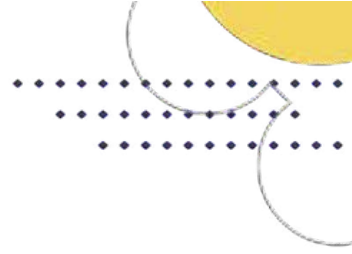
## CONDUCT OF THE HEARING

- The hearing will be conducted in private unless the accused requests an open hearing. If any objection is raised to conducting an open hearing in any particular case, the Hearing Committee of the University Judicial Board will decide the issue by majority vote. If the decision is made not to hold an open hearing, the accused shall be informed in writing of the reasons for the decision.
- The university and the accused may be represented by an adviser of their choice.
- The board shall promulgate its own rules of procedure consistent with academic due process and all provisions of this document.
- The accused has the right to challenge on the grounds of prejudice any member of the Hearing Committee sitting on their case. If an accused makes such a challenge, the Hearing Committee shall deliberate in private to determine whether cause exists. By a majority vote of the members of the tribunal (excluding the member being challenged), a member shall be removed from the case and replaced by a member of the board designated by the chair of the Judicial Board. In addition, the accused may exercise a challenge directed at the entire panel, in which case the challenge shall be made to the chair of the University Judicial Board, who shall excuse the panel challenged and refer the accused's case to the next panel in rotation.

## THE RIGHT OF APPEAL

- In cases heard by the University Judicial Board, there will be no appeal when the accused is acquitted, except in cases of harassment or discrimination, in which case a complainant may appeal the accused's acquittal.
- A student or administrator who is not a member of the faculty convicted by the University Judicial Board may appeal to the president, or in the president's absence, the provost, in which case such appeal shall be solely on the record of the proceedings before the Hearing Committee. Argument or appeal shall be on written submission, but the president may, in addition, require oral argument.
- A member of the faculty convicted by the University Judicial Board may appeal to the Faculty Hearing Committee authorized under the provisions for Academic Freedom and Tenure of Duke University.





## STATUS OF THE ACCUSED

Charges must be prepared without delay following the alleged commission of the offense. Pending final verdict on charges against the accused (including appeal), their status shall not be changed, nor their right to be on campus to attend classes suspended, except that the president or provost may impose an interim suspension upon any member of the university community who demonstrates, by their conduct, that their continued presence on the campus constitutes an immediate threat to the physical well-being or property of the members of the university community or the orderly functioning of the university. The imposition of interim suspension requires that the suspended individual shall immediately observe any restriction placed upon them by the terms of the suspension. The suspended individual shall be entitled to a hearing within three (3) days before the Hearing Committee on the formal charges. If the individual requires additional time to prepare their case before the Hearing Committee, they shall be entitled to an informal review of the decision imposing interim suspension by a three- person committee chosen from the members of the University Judicial Board by its chair. Interim suspension is an extraordinary remedy which will be invoked only in extreme cases where the interest of the university and members of its community require immediate action before the Hearing Committee can adjudicate formal charges against the suspended individual. If interim suspension is imposed and the accused is later found innocent, the university shall seek restitution as provided by the Hearing Committee with respect to the student's academic responsibilities incurred during the period of suspension.

## CIVIL AND CRIMINAL COURTS

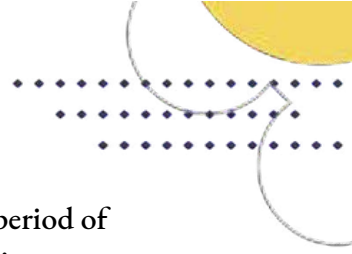
Members of the university community may be subject to civil or criminal proceedings in a local court. The president may initiate legal action seeking injunctive or other civil relief, or file criminal charges, when it is necessary to protect the person or property of members of the university community, or the orderly functioning or property of the university. Such action may be in addition to the filing of formal charges before the University Judicial Board and/or interim suspension.

## OUTCOMES

A Hearing Committee of the University Judicial Board shall have the power to impose the following penalties upon students:

- Expulsion. Dismissal from the university with the recommendation that the person never be readmitted.
- Suspension. Dismissal from the university and from participation in all university activities for a specified period of time after which the subject may apply for readmission.





- Disciplinary Probation. Placing a student on a probationary status for a specified period of time, during which conviction of any regulation may result in more serious disciplinary action.
- Exclusion from participation in extracurricular activities. Without limiting the generality of that penalty, such restrictions might involve participation in any collegiate athletics, or any public participation or performance in the name of the university. However, a hearing committee may not exclude a person from performance of the duties of an elective office, but may make such a recommendation to the appropriate organization. This penalty may be imposed by itself or in addition to any of the other enumerated penalties.
- Censure. Written reprimand for violation of the specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of the same or one of equal seriousness within the period of time stated by the reprimand.
- Admonition. By an oral statement to the offender that they have violated the university rules or have been in contempt of the board.
- Restitution. Payment for all, or a portion of property damage caused during the commission of an offense. This penalty may be imposed by itself, or in addition to any of the other penalties.
- Fines. Payment of reasonable sums to be determined by a hearing committee. This penalty may be imposed by itself, or in addition to any of the other penalties.
- Exclusion from social activities where the nature of the violation so indicates including, but not limited to, curfews or other revocation of upperclass privileges.

A Hearing Committee of the University Judicial Board shall have the power to impose the following penalties upon faculty members and administrative personnel not subject to the provisions of the Personnel Policy Manual.

- Dismissal or termination of appointment.

## OTHER POWERS

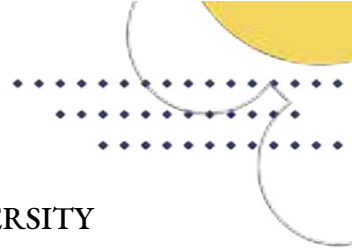
The Hearing Committee may recommend to the university that it seek restitution with respect to the accused's university responsibilities incurred during a period of suspension or during the period when a hearing has been conducted or shall make such other non-punitive recommendations with respect to the accused as it shall deem appropriate.

## RECORDS

The board shall promptly arrange a policy of keeping its own records, subject to the university policy on confidentiality.







## EXCUSAL OF MEMBERS OF THE UNIVERSITY COMMUNITY FROM UNIVERSITY OBLIGATIONS

Any member of the university community whose presence is required at a hearing shall be excused from the performance of any university responsibilities which would normally be performed at the time when their presence is required before the Hearing Committee.

## Appendix B: Faculty-Student Resolution Process

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### OPTIONAL, ONE-TIME FACULTY-STUDENT RESOLUTION PROCESS FOR CASES OF ACADEMIC DISHONESTY INVOLVING UNDERGRADUATES

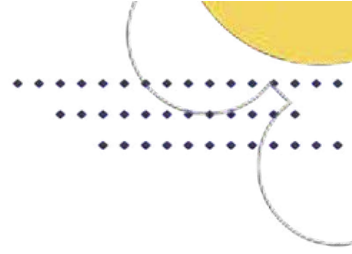
This option for resolving cases of academic dishonesty is reserved for first-time, minor infractions by Duke undergraduates. The faculty member has the discretion to decide if the matter is resolved through the faculty-student resolution process or referred to the Office of Student Conduct and Community Standards (OSCCS). The faculty member must first contact OSCCS to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations by the student. If there is no record of prior offenses and the case appears to be one that, if adjudicated by a hearing officer/panel, would result in disciplinary probation or a sanction less severe than disciplinary probation, it may be resolved between the faculty member and the student. Otherwise, the case must be forwarded to OSCCS for adjudication. In a faculty-student resolution a faculty member may propose a number of outcomes, including but not limited to: a reduced grade on the assignment, a reduced grade in the course, additional assignments, and/or other educational initiatives. In order for the faculty-resolution to be final, the outcome must be agreed upon by both parties. The faculty member must report the outcome(s) of a faculty-student resolution to OSCCS and the student's academic dean for record keeping. A student may not drop, change course grading to S/U or withdraw from the course once a report of alleged academic dishonesty has been submitted and/or resolved. This resolution will not become part of the student's reportable disciplinary record unless there is a second violation, at which time both cases will be noted on the student's internal disciplinary record.

### PROCESS

- The faculty member shall first contact the Office of Student Conduct & Community Standards to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations. Staff in OSCCS may be reached at 919-684-6938.
- If the student has no record of prior offenses and the case appears to be one that, if adjudicated by a hearing panel, would result in probation or a sanction less severe than probation, it may be resolved between the faculty member and the student.
- The faculty member shall meet with the student and present any information relevant to the case.

- The student shall have an opportunity to respond to the allegations.
- If multiple students are alleged to have violated the same policy in the same assignment with the same or similar fact patterns, then the FSR process must be offered equitably to all eligible students involved.
- If the faculty member believes that academic dishonesty has occurred, the faculty member should complete a Faculty-Student Resolution form, including the proposed outcome, and present this form to the student.
- Upon receipt of the proposed resolution, the student has 96 hours to consider and seek advice on whether to accept responsibility and agree to the resolution.
- If the student agrees to the resolution, the student should sign the resolution form in the presence of the faculty member. The faculty member should then forward a copy of the form to OSCCS via email ([conduct@duke.edu](mailto:conduct@duke.edu)), and CC the student's Academic Dean on the correspondence.
- By signing the form, the student is accepting responsibility for the alleged violation and agreeing to the terms of the sanction
- If the student does not accept the proposed resolution, the faculty member should refer the case to OSCCS via email ([conduct@duke.edu](mailto:conduct@duke.edu)), and CC the student's Academic Dean on the correspondence.





## Appendix C: Administrative Action Policy

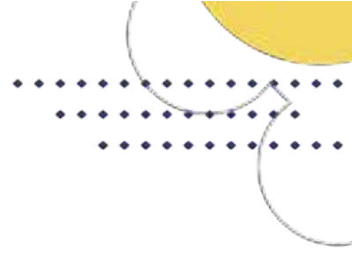
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The Vice Provost/Vice President for Student Affairs or designee may take administrative action(s) against a student and/or a student group to protect the health, safety, or welfare of the university community or any member of it. Administrative action includes, but is not limited to, a “no contact” directive, removal of privileges (including access to campus property and/or participation in remote/virtual campus programs), removal from or relocation within the residential community, suspension of activity, and/or suspension from the university. If administrative action is issued while a disciplinary action is pending, such action may remain in effect until the disciplinary process is resolved.

### PROCEDURE

- Any member of the university community who has reason to believe that a student or student group may pose a threat to the health, safety, or welfare of the university community or any member of it should contact the Vice Provost/Vice President for Student Affairs (VPSA) or other staff within Student Affairs as appropriate.
- The VPSA or designee, in consultation as necessary with the Behavioral Assessment Team and/or other appropriate individuals/agencies, will conduct a review of available information and, where necessary and appropriate, gather additional information.
- Based on the available information, the VPSA or designee shall determine whether administrative action is warranted based on the nature of the risk posed by the student, the probability of harm to the university community, and whether reasonable alternatives would significantly mitigate the risk. The VPSA or designee will prepare a written statement identifying and explaining the administrative action(s).
- A student who is subject to an administrative action has three business days from receipt of the written statement to request a meeting with the VPSA or designee to contest the administrative action. Based on the information shared by the student in the meeting, the VPSA or designee shall consider whether any modification to the administrative action is warranted and communicate the decision to the student in writing no later than three days after the meeting. The administrative action may be, at the discretion of the VPSA or designee and subject to the risk determinations as noted above, in force through the period of requested reconsideration of the administrative decision.





## Glossary

**Adaptable resolution:** An alternative and/or restorative process used to resolve and respond to issues of student behavior that may or may not involve an alleged policy violation.

**Adjudicate:** to deliberate on a matter as to whether a student is or is not responsible for an alleged violation of the Duke Community Standard through one of two formal resolution options: an administrative hearing or Conduct Board Hearing.

**Administrative Action:** An action taken against a student and/or student group by the Vice Provost/Vice President for Student Affairs or their designee to protect the health, safety, or welfare of any university member or community at large. Administrative actions include, but are not limited to, a “no contact” directive, removal of privileges (including access to campus property and/or participation in remote/virtual campus programs), removal from or relocation within the residential community, suspension of activity, and/or suspension from the university. If administrative action is issued while a disciplinary action is pending, such action may remain in effect until the disciplinary process is resolved. For more information on this procedure, please visit the following link: <https://students.duke.edu/appendix-c/>.

**Administrative conference:** a non-disciplinary meeting with a hearing officer or designee to discuss the behavior that is of concern.

**Administrative Hearing:** A formal process for resolving alleged violations of the Duke Community Standard. Administrative hearing involves a discussion between a student/student group alleged to be in violation of university policy and a University hearing officer. The hearing officer is responsible for issuing a determination and sanction, as appropriate.

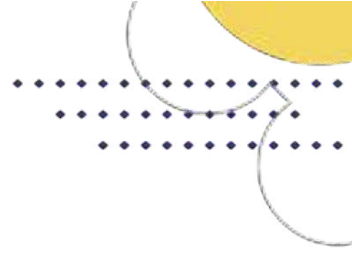
**Advisor:** a person identified by the student to assist and guide the student through the conduct process including in preparing for Conduct-related meetings. Advisors may attend meetings but do not participate on behalf of the student or address the hearing officer(s). Advisors must be members of the Duke Community (faculty, staff, students) or a trained Community Standard Advisor appointed by the Office of Student Conduct and Community Standards (except in matters involving allegations of sexual misconduct).

**Alleged/Allegation:** an incident that has been reported indicating behavior that may have violated the Duke Community Standard. In Duke’s conduct process, all behaviors are presumed alleged until due process has been afforded to a student.

**Case:** refers to the alleged incident (i.e., Incident Report #000324-2023) and serves as the umbrella for all involved students who may have engaged in an alleged policy violation associated with the incident.

**Consumption:** the eating, drinking, or ingesting of something; or the purchase and use of a good and/or service by a student or student organization





# Glossary

**Distributing:** to give out or sell (something); deal out.

**Due Process:** a process in which a student is afforded certain procedural and substantive rights before any determination is made and disciplinary or academic action is placed on the student's conduct record. For Duke, due process includes a student's right to the following:

- **Notice:** to be notified of any alleged violation
- **Review of Information:** review information and evidence regarding the alleged violation
- **Opportunity to be Heard:** opportunity to be heard and present information regarding their account of the allegation.
- **Advisor:** consult an Advisor in preparation for any conduct proceeding
- **Witnesses:** to identify as witnesses any individual who may have pertinent information about the allegation and have that witness present factual information regarding the alleged violation/incident in question.
- **Appeal:** seek recourse for findings by requesting the matter be reviewed and heard by the Conduct Board or Appellate Board

**Evidence:** any document, photo, video, or other item that may be reviewed, analyzed or used to determine facts or prove or disprove the allegations in the case.

**Faculty-Student Resolution (FSR):** a one-time optional, alternative resolution process available at the faculty member's discretion for cases of academic dishonesty involving undergraduates.

**Finding:** the result or outcome of the hearing process determined by a preponderance of information and/or lack thereof. Finding may also be referred to as a "determination" or "outcome."

**Hearing Officer:** trained individuals authorized by OSCCS to resolve disciplinary matters through informal or formal resolutions and to impose outcomes when a policy has been violated.

**Investigation:** a systematic process through which OSCCS staff and/or designee(s) gather information and evidence to establish a timeline of facts and involved parties regarding a reported incident.

**Manufacturing:** the making of goods by hand or by machine that are intended to be sold, distributed, or used.

**No Contact Directive:** an administrative action that instructs parties to refrain from contacting another in person or virtually, directly or through a third party. Violation of a no contact directive, whether issued as a result of a disciplinary process or issued as a non-disciplinary no contact directive, may result in disciplinary action.

**Not Responsible:** a finding determined by a hearing officer when there is not a preponderance of information that a student violated the Duke Community Standard or other university policy.

**Possession:** the act of having, owning, or taking into control.

**Pre-Conference:** a meeting prior to any formal resolution being conducted between a hearing officer and a student.





# Glossary

**Preponderance of Information:** Standard of proof used by OSCCS to determine whether or not a student is responsible for a policy violation. This standard of proof is met by the question, “is it more likely than not that an allegation of misconduct occurred?”

**Report:** to give a spoken or written account of something that one has observed, heard, done, or investigated

**Respondent:** any student or student organization accused of violating the DCS Guide

**Responsible:** a finding determined by a hearing officer when there is a preponderance of that a respondent violated university policy.

**Restitution:** payment for all or a portion of injury or damages to person(s) or property caused by an individual (s) or a student group.

**Retaliation (as defined by PPDHRM):** an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination or harassment, carried out in response to: a good-faith reporting of or opposition to discrimination, harassment, or related misconduct; an individual’s or group’s participation, including witnessing or assisting in Duke’s conduct process or response to a report; an individual’s or group’s refusal to participate in Duke’s conductor investigative processor response to a report; or other form of good faith opposition to what an individual reasonably believes to be an alleged violation. To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition. Charging an individual with a Policy violation for making a materially false statement in bad faith in the course of Duke’s conduct process or investigative process or in response to a report does not constitute Retaliation.

**Sanction:** an assignment issued to a respondent by a hearing officer that gives the student a specific status in the conduct office and requires action on behalf of the student

**Violation:** is the act of doing something that is not allowed or prohibited within but not limited to the Duke Community Standard and all policies and regulations within Duke University.

**Witness:** an individual who has direct knowledge of an alleged incident and/or had direct contact with an individual involved in the alleged incident, before, during or after. For example, assume a physical altercation between two students named Pat where both were allegedly intoxicated. In this case study, the following witnesses would be permitted:

- An individual who actually saw the altercation happen.
- An individual who was with Pat earlier in the night and was aware of how much alcohol Pat consumed.
- An individual who came across Pat at the end of an altercation and noticed Pat’s condition.
- An individual who was approached by Pat immediately after the incident and Pat shared specific details of what happened.