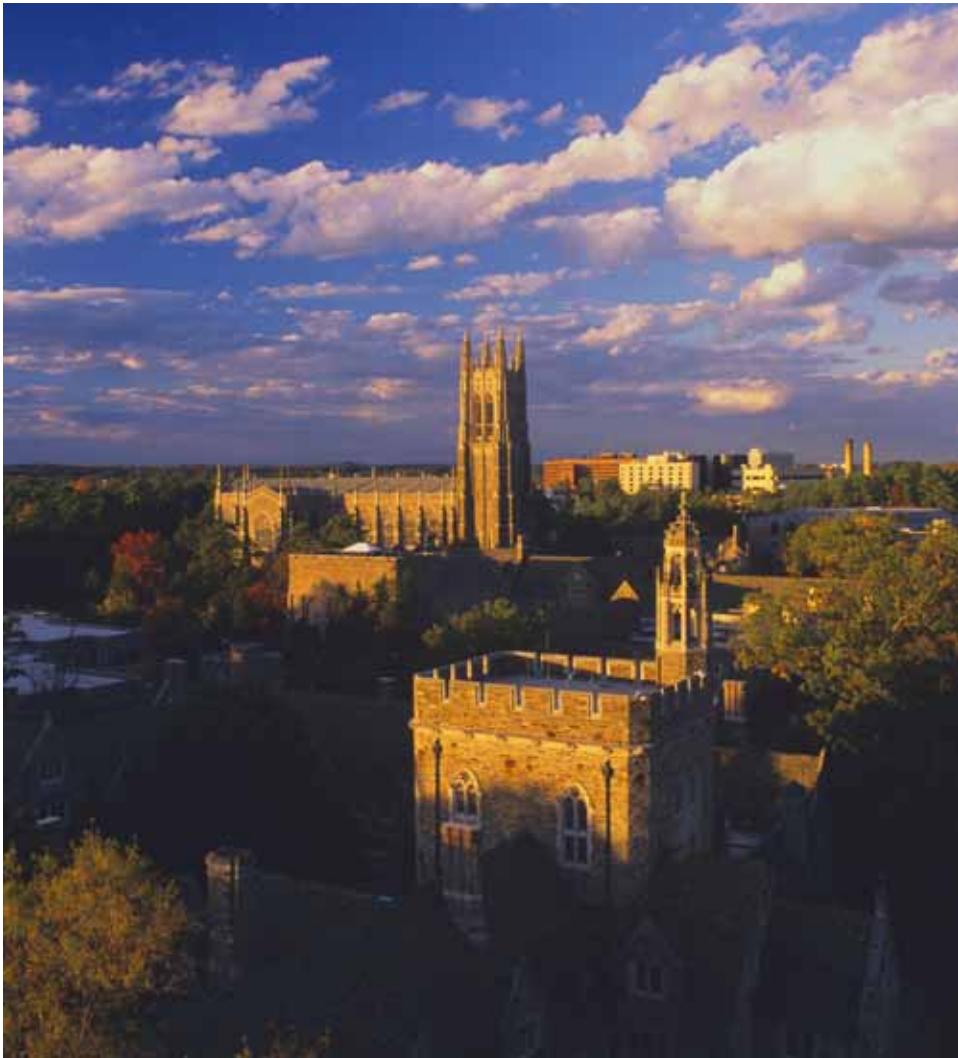

bulletin of
Duke University
2006-2007

Information and Regulations

Trinity College of Arts and Sciences
The Pratt School of Engineering



University's Mission Statement

James B. Duke's founding Indenture of Duke University directed the members of the University to "provide real leadership in the educational world" by choosing individuals of "outstanding character, ability and vision" to serve as its officers, trustees and faculty; by carefully selecting students of "character, determination and application;" and by pursuing those areas of teaching and scholarship that would "most help to develop our resources, increase our wisdom, and promote human happiness."

To these ends, the mission of Duke University is to provide a superior liberal education to undergraduate students, attending not only to their intellectual growth but also to their development as adults committed to high ethical standards and full participation as leaders in their communities; to prepare future members of the learned professions for lives of skilled and ethical service by providing excellent graduate and professional education; to advance the frontiers of knowledge and contribute boldly to the international community of scholarship; to promote an intellectual environment built on a commitment to free and open inquiry; to help those who suffer, cure disease and promote health, through sophisticated medical research and thoughtful patient care; to provide wide ranging educational opportunities, on and beyond our campuses, for traditional students, active professionals and life-long learners using the power of information technologies; and to promote a deep appreciation for the range of human difference and potential, a sense of the obligations and rewards of citizenship, and a commitment to learning, freedom and truth.

By pursuing these objectives with vision and integrity, Duke University seeks to engage the mind, elevate the spirit, and stimulate the best effort of all who are associated with the University; to contribute in diverse ways to the local community, the state, the nation and the world; and to attain and maintain a place of real leadership in all that we do.

—Adopted by the Board of Trustees on February 23, 2001.

The Duke Community Standard

Duke University is a community of scholars and learners, committed to the principles of honesty, trustworthiness, fairness, and respect for others. Students share with faculty and staff the responsibility for promoting a climate of integrity. As citizens of this community, students are expected to adhere to these fundamental values at all times, in both their academic and non-academic endeavors.

The Pledge

Students affirm their commitment to uphold the values of the Duke University community by signing a pledge that states:

- I will not lie, cheat, or steal in my academic endeavors, nor will I accept the actions of those who do.
- I will conduct myself responsibly and honorably in all my activities as a Duke student.

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PUBLICATION COORDINATOR
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The information in this bulletin applies to the academic year 2006-2007 and is accurate and current, to the extent possible, as of July, 2006. The university reserves the right to change programs of study, academic requirements, teaching staff, the calendar, and other matters described herein without prior notice, in accordance with established procedures.

Duke University does not discriminate on the basis of race, color, national and ethnic origin, disability, sexual orientation or preference, gender, or age in the administration of educational policies, admission policies, financial aid, employment, or any other university program or activity. It admits qualified students to all the rights, privileges, programs, and activities generally accorded or made available to students. The university also does not tolerate harassment of any kind.

Questions, comments or complaints of discrimination or harassment should be directed to the Office of the Vice President for Institutional Equity, (919) 684-8222. Further information, as well as the complete text of the harassment policy, may be found at <http://www.duke.edu/web/equity/>.

The Family Educational Rights & Privacy Act (FERPA), 20 U.S.C § 1232g; 34 CFR Part 99, is a federal law that guides the release of students' education records, of which disciplinary records are a part. For additional information about FERPA, see <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Duke University is prepared to make reasonable academic adjustments and accommodations to allow students with disabilities full participation in the same programs and activities available to students without disabilities. The Office of Services for Students with Disabilities assists students with disabilities who are enrolled in Trinity College and the Pratt School of Engineering. In order to receive consideration for reasonable accommodations under the Americans with Disabilities Act (ADA), a student must have a physical or mental impairment that substantially limits one or more major life activities such as, but not limited to, hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, and learning. Substantially limiting refers to an impairment that prevents an individual from performing a major life activity or significantly restricts the condition, manner, or duration under which an individual can perform a major life activity.

Students requesting accommodations under the provisions of ADA (e.g., academic, housing, etc.) must consult Dr. Emma Swain, Director, Office of Services for Disabilities, (919) 684-5917 or (919) 684-5824 TTY, to explore possible coverage. Students with medical conditions not covered under the provisions of ADA must consult Duke Student Health Service at (919) 681-9355 for further information.

Duke University recognizes and utilizes electronic mail as a medium for official communications. The university provides all students with e-mail accounts as well as access to e-mail services from public clusters if students do not have personal computers of their own. All students are expected to access their e-mail accounts on a regular basis to check for and respond as necessary to such communications, just as they currently do with paper/ postal service mail.

Information that the university is required to make available under the Student Right to Know and Campus Security Acts may be obtained from the Office of News and Communications at (919) 684-2823 or in writing to 615 Chapel Drive, Box 90563, Duke University, Durham, North Carolina 27708.

Duke University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097; telephone number 404-679-4501) to award baccalaureates, masters, doctorates, and professional degrees.

In accordance with Title IX of the Education Amendments of 1972, Duke University prohibits discrimination on the basis of sex in the administration of its educational policies, admission policies, financial aid, employment, or any other university program or activity. Duke University has designated Dr. Benjamin D. Reese, Vice President of the Office for Institutional Equity, as its Title IX Coordinator.

This publication may be accessed online at: <http://www.registrar.duke.edu/bulletins/inforeg/>.

July 2006

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Academic Calendar—2006-2007

Trinity College of Arts and Sciences. The Pratt School of Engineering.
Consult calendars of the various schools for additional information.

Summer 2006

February

27 Monday—Registration begins for all Summer sessions

May

18 Thursday—Term I classes begin

22 Monday—Drop/Add for Term I ends

29 Monday—Memorial Day. Classes in session

June

14 Wednesday—Last day to withdraw WP or WF from Term I classes

26 Monday—Term I classes end

27 Tuesday—Reading period

28 Wednesday—Term I final examinations begin

29 Thursday—Term I final examinations end

July

3 Monday—Term II classes begin

4 Tuesday—Independence Day. Classes in session

5 Wednesday—Drop/Add for Term II ends

28 Friday—Last day to withdraw WP or WF from Term II classes

August

9 Wednesday—Term II classes end

10 Thursday—Reading period

11 Friday—Term II final examinations begin

12 Saturday—Term II final examinations end

Fall 2006

August

22 Tuesday—New student orientation begins

23 Wednesday, 11:00 A.M.—Convocation for new undergraduate students

28 Monday, 8:30 A.M.—Fall semester classes begin. Drop/Add continues

September

4 Monday—Labor Day. Classes in session

8 Friday, 5:00 P.M.—Drop/Add ends

October

1 Sunday—Founders' Day

6 Friday, 7:00 P.M.—Fall break begins

11 Wednesday, 8:30 A.M.—Classes resume

13 Friday—Last day for reporting midsemester grades

November

1 Wednesday—Registration begins for Spring semester, 2007

15 Wednesday—Registration ends for Spring semester, 2007

16 Thursday—Drop/Add begins

21 Tuesday, 10:30 P.M.—Thanksgiving recess begins

27 Monday, 8:30 A.M.—Classes resume

December

8 Friday—Fall semester classes end

9-10 Saturday-Sunday—Reading period

11 Monday, 9 A.M. - 7 P.M.—Reading period

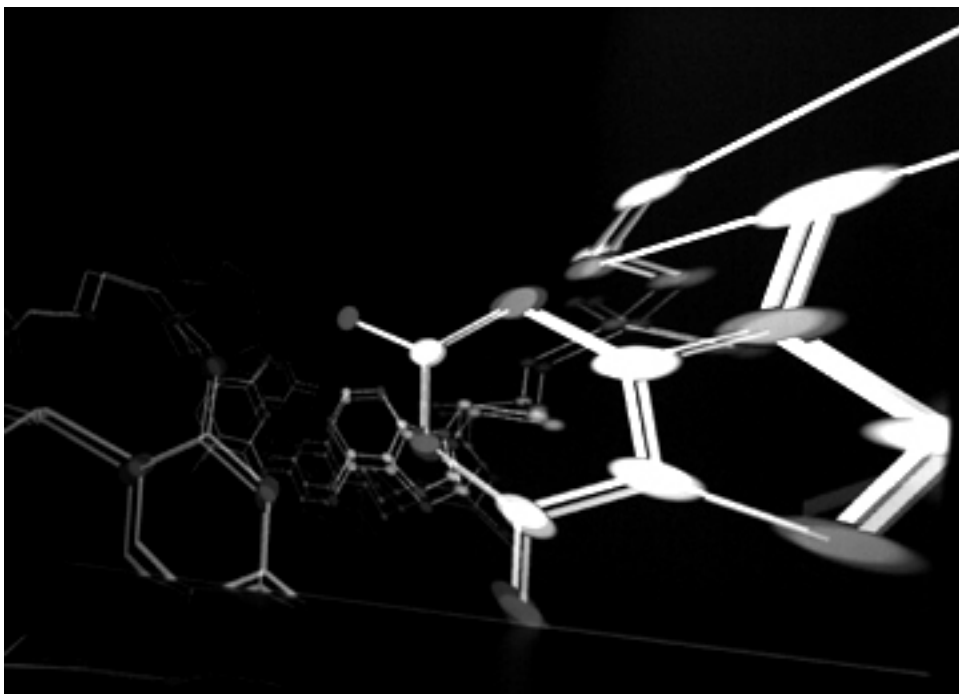
11 Monday, 7 P.M.—Final examinations begin

14 Thursday, 9.00 A.M.–2:00 P.M.—Reading period

17 Sunday, 10:00 P.M.—Final examinations end

Spring 2007

January	
10	Wednesday, 8:30 A.M.—Spring semester classes begin: ALL classes normally meeting on Mondays meet on this Wednesday only; Wednesday ONLY classes begin Wednesday, January 17; Drop/Add continues
15	Monday—Martin Luther King, Jr. Day holiday: classes are rescheduled on Wednesday, January 10
24	Wednesday, 5:00 P.M.—Drop/Add ends
February	
23	Friday—Last day for reporting midsemester grades
26	Monday—Registration begins for Summer 2007
March	
9	Friday, 7:00 P.M.—Spring recess begins
19	Monday, 8:30 A.M.—Classes resume
April	
4	Wednesday—Registration begins for Fall semester, 2007
13	Friday—Registration ends for Fall semester, 2007; Summer 2007 registration continues
14	Saturday—Drop/Add begins
25	Wednesday—Spring semester classes end
26-29	Thursday-Sunday—Reading period
30	Monday—Final examinations begin
May	
2	Wednesday, 9:00 A.M.–2:00 P.M.—Reading period
5	Saturday, 10:00 P.M.—Final examinations end
11	Friday—Commencement begins
13	Sunday—Graduation exercises. Conferring of degrees



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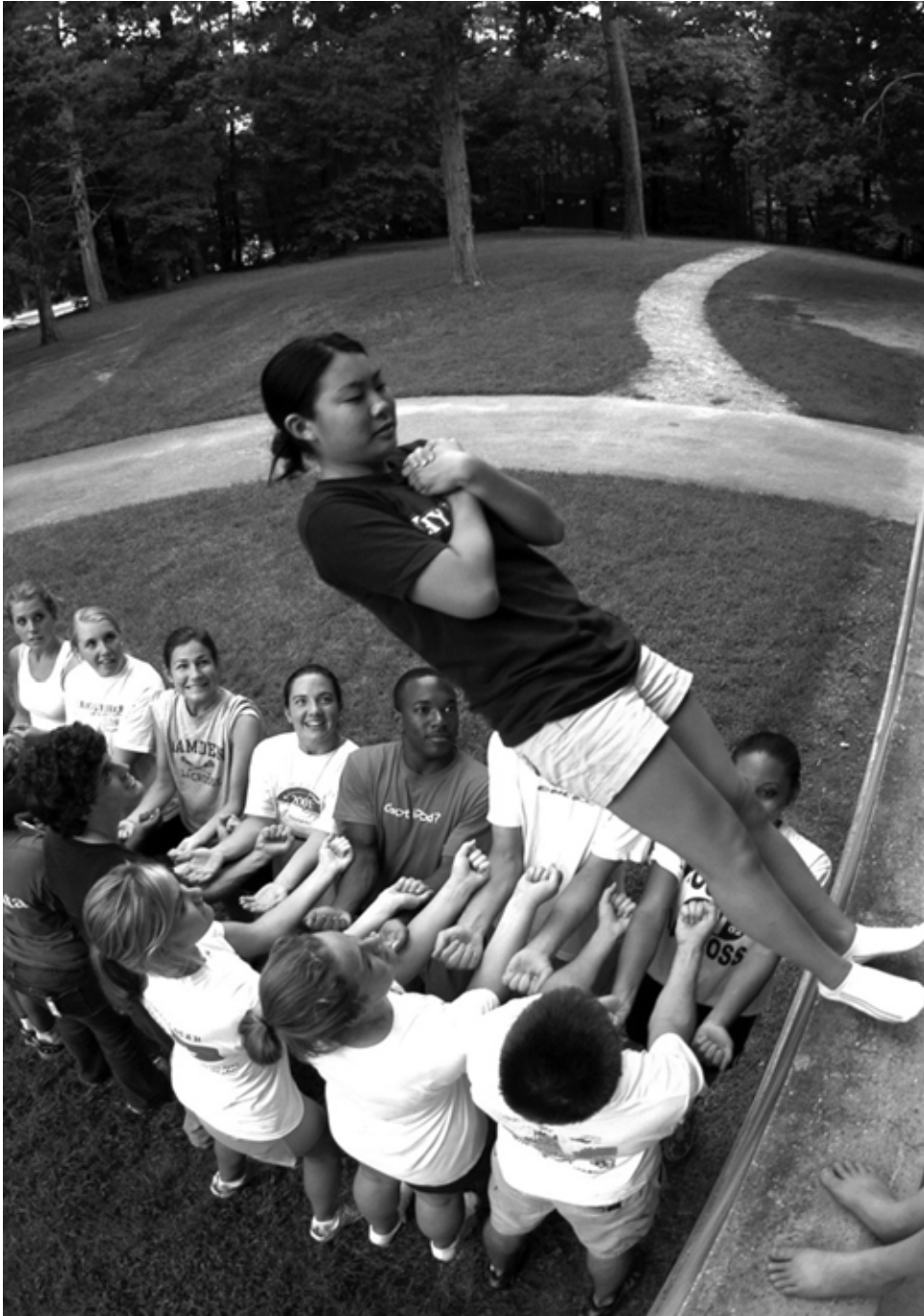
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The Duke Community Standard



The Duke Community Standard

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The Pledge

Students affirm their commitment to uphold the values of the Duke University community by signing a pledge that states:

- I will not lie, cheat, or steal in my academic endeavors, nor will I accept the actions of those who do.
- I will conduct myself responsibly and honorably in all my activities as a Duke student.

Background

In 1999-2000, Duke participated in a national survey through the Center for Academic Integrity. Through responses from undergraduate students, as well as from faculty and staff, the survey assessed the climate of academic integrity at Duke in comparative context with other institutions. As a result of the findings, the provost formed the Academic Integrity Council (AIC) in 2001 by appointing representatives from across the community whose charge was and remains to review academic integrity policies and practices and make recommendations to improve the climate of integrity on campus.

An early goal of the AIC was to review the existing Honor Code, which had been in effect for the undergraduate community since 1993. The AIC determined that the Honor Code needed revision to make it shorter while embracing all aspects of a student's life at Duke. A major element of the revision was the inclusion of the fundamental values that must inform the definition of a community of honor.

This Duke Community Standard was proposed to the faculty councils of Trinity College of Arts and Sciences and the Pratt School of Engineering, as well as to the Duke Student Government. It was approved for the undergraduate community and implemented in the fall of 2003. The Standard has since been adopted by each graduate and professional school of the university and, thus, represents the values we uphold as an institution.

Duke University is committed to ongoing evaluation of principles, policies, and practices, and to lively conversation about issues of integrity. Thus the climate of academic integrity was again evaluated in the fall of 2005. Results of this assessment will contribute in 2006-07 to campus discussion of the Duke Community Standard and attendant policy.

A Statement of Principles

The Duke Community Standard expresses a standard for behavior—a set of expectations of students who claim membership in Duke's learning community. All incoming undergraduates, upon admittance to Duke, are required to sign a pledge to adhere to these values and to conduct themselves in accordance with these values throughout their undergraduate careers. Likewise, upon completion of each academic assignment, students may be expected to reaffirm the above commitment by signing this statement: "I have adhered to the Duke Community Standard in completing this assignment." [Student Signature]

The Duke Community Standard, thus, is a statement of principles. The specific policies, or rules and regulations of the university, define the conduct for which students can be held accountable.

Undergraduate Policies



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, trustworthiness, fairness, and respect for others.

Undergraduates 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 may be held accountable for any violation of university policy that may or may not be included in this bulletin, whether on or off campus. In addition to local ordinances and state and federal laws, the following policies govern the undergraduate community.

Academic Dishonesty

Lying

Lying includes, but is not limited to, communicating untruths in order to gain an unfair academic or employment advantage. [*Wording adopted from the Duke Fuqua School of Business code.*]

Cheating

Cheating is the act of wrongfully using or attempting to use unauthorized materials, information, study aids, or the ideas or work of another in order to gain an unfair advantage. It includes, but is not limited to:

- plagiarism;
- 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;

- 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;
- 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 reckless disregard for proper scholarly procedures, presents any information, ideas or phrasing of another as if they were his/her 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.

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

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.

Students' Obligation to Act on Potential Cases of Academic Dishonesty

The Duke Community Standard stresses the commitment that students share with faculty and administrators to enhance the climate for academic integrity at Duke University. The pledge beginning “I will not lie, cheat, or steal in my academic endeavors” is followed by an additional affirmation, “nor will I accept the actions of those who do.” Both statements, like the Duke Community Standard as a whole, are statements of principles.

From principles flow policies. Stemming from this non-toleration clause (“nor will I accept the actions of those who do”) is a policy that reflects an emphasis on taking constructive action of some sort if one witnesses or knows about dishonorable behavior connected to classroom assignments or activities.

Students who observe or hear about cheating are obligated to do something about it rather than to remain passive bystanders. *They are obligated to take action.* Several possible courses of action are available, and students should feel free to discuss them with trusted advisors before choosing among them:

- Alerting the faculty member that cheating may be occurring in the course. This alert can be in any form, including anonymously. The information will allow the instructor to consider corrective measures and to address the topic with the class.
- Calling attention to the suspected violation as it is occurring, in either a public or a private manner.
- Identifying the suspected cheater to the faculty member of the course. *The report will be treated in total confidence:* the faculty member will not divulge the reporting student's name to anyone, and the reporting student is under no

obligation to take the information any place else. The faculty member will then act on this information, as the Faculty Handbook requires; at the very least, the instructor will let the suspected student know that his or her behavior has raised suspicion.

- Speaking directly with the student suspected of violating the Duke Community Standard, either to gain clarity about what happened or to put the person on alert that his or her behavior could have serious consequences.
- Notifying the Associate Dean for Judicial Affairs within the Dean of Students Office. The Associate Dean will speak with the faculty member about this information, maintaining the confidentiality of the source. The dean and the faculty member will strategize about next steps.

Whatever the option chosen for reporting breaches of academic integrity, a student is responsible for doing *something*. This responsibility is an integral part of the Duke Community Standard and will help to build a community of honor whose values the Community Standard articulates.

Additional Information about Plagiarism at Duke

The following information has been modified from the Duke Library Web site at <http://www.lib.duke.edu/libguide/plagiarism.htm>.

Introduction: Our Ideas Emerge Against the Backdrop of Previous Formulations

Rarely, if ever, do we develop ideas in our individual minds, free of the effects and influences of others' previous findings, claims, and analyses. This is not to suggest that writers never forge new ideas; rather, the majority of one's thoughts—and certainly the intellectual thinking that we do in university settings—is prompted, shaped, and changed in response to and in light of what has already been stated by others. Our ideas emerge in response to reading others' texts, in sites of conversation and verbal exchange, with and against the grain of the words and formulations of others.

It is appropriate to think of the university as a vast society of influences, composed of various formal sites of critical discussion, reporting, and debate, both verbal and written. University persons—both scholars and students—gain status and authority by dint of their intellectual involvement in written and verbal exchange (detailing their findings, casting written arguments, offering careful analyses of their objects of study). Since the university values the public thinking of its faculty and students, it requires that its members formally recognize who has made which sorts of statements in what settings. Scrupulously citing the origin of quotations, summaries, and other borrowed material included in your paper enables the social value of respect to exist within intellectual circles of research and scholarship around the globe. Not to formally recognize the work and influences of others in your writing is to plagiarize, violating an ethic of mutual regard.

The Academic Community's Guidelines: The Practice of Documentation

It has become commonplace to envision the verbal and written exchanges between speakers and listeners, readers and writers, researchers and their sources, as interactions constituting communities of discourse. Discourse communities share interpretive, analytic, and argumentative conventions. Academic discourse communities (often shaped as "disciplines" or "fields of inquiry") agree to refer scrupulously to one another's writings and research findings by explicitly linking quoted materials to the name of the person or persons who uttered or wrote them, and by carefully describing the influence others have had upon them.

In fact, a mark of strong academic writing is the practice of situating one's claims and findings within a tradition of inquiry into the subject, detailing the nature of the exchanges that have preceded the present foray into the ongoing conversation, at times indicating one's affinities or disagreement with one or another avenue of thought. Ethos and authority are enhanced when writers demonstrate their uses of others' statements, texts, and representations, and when they appropriately identify these sources in their arguments and analyses. This practice is called documentation. Guidelines for how to correctly cite materials used within your writing and rules for assembling the list of works that you cite in your paper are compiled by academic organizations which produce style manuals. Information from these style manuals can be accessed in the Documentation Guidelines section of the *Guide to Library Research*.

Plagiarism Defined

Academic communities, then, demand that writers credit others for their work, and that the source of their material clearly be acknowledged. Not to do so is to plagiarize, to intentionally or unintentionally appropriate the ideas, language, key terms, or findings of another without sufficient acknowledgment that such material is not one's own. As the Modern Language Association defines this transgression:

Scholarly authors generously acknowledge their debts to predecessors by carefully giving credit to each source. Whenever you draw on another's work, you must specify what you borrowed whether facts, opinions, or quotations and where you borrowed it from. Using another person's ideas or expressions in your writing without acknowledging the source constitutes plagiarism. Derived from the Latin *plagiarius* ("kidnapper"), plagiarism refers to a form of intellectual theft. . . . In short, to plagiarize is to give the impression that you wrote or thought something that you in fact borrowed from someone, and to do so is a violation of professional ethics. (Joseph Gibaldi, *MLA Style Manual and Guide to Scholarly Publishing*. 2nd. ed., New York: MLA, 1998: 151).

Plagiarism encompasses a range of errors and violations. Though the charge of plagiarism can be leveled against writers who incorrectly or neglect to cite borrowed materials, it most often tempts students who find themselves in the dire straits of having to complete a written assignment without previously having undertaken the laborious and time-consuming process of research, reading, note-taking, interpretation, and analysis. Wholesale copying from sources is an easy way to fill up the page and to turn something—anything—in on time. In all cases, it is far better to contact one's instructor and honestly to discuss with him or her a strategy for completing an assignment rather than to risk humiliation and judicial redress. Instructors will, within reason and to the best of their abilities, help you to get your papers started and help you to make progress with your work. You will do yourself and your instructors justice if you openly and squarely discuss the circumstances of your progress or lack thereof.

On occasion, students accused of plagiarism have claimed that their plagiarism has occurred without their knowledge or intent. Since ignorance of convention is not a reasonable defense, it is best to become thoroughly acquainted both with the various ways in which plagiarism is construed, and with the conventions of source attribution and proper documentation. Some students seem to believe that there are different degrees of plagiarism, some not as bad as others. No distinctions are made between any of the following acts. All

constitute instances of plagiarism as outlined in Duke University's *Bulletin of Information and Regulations*, and all constitute transgression of the university's Community Standard. You will be charged with plagiarism if you:

- Copy from published sources without adequate documentation.
- Purchase a pre-written paper (either by mail or electronically).
- Let someone else write a paper for you.
- Pay someone else to write a paper for you.
- Submit as your own someone else's unpublished work, either with or without permission.

If the final work you submit...is not yours, it does not matter how you came by it. If you use another person's work to further your own understanding of a subject, you must credit the source. (Cousineau, L., Hillard, V.E., and Lawton, K.A. (Aug. 29, 2001) Citing Sources and Avoiding Plagiarism: Documentation Guidelines. *Duke Libraries: Guide to Library Research*. Retrieved May 31, 2002, from <http://www.lib.duke.edu/libguide/plagiarism.htm>)

Advertisements

Banners

Banners on the exterior or interior of the West Union Building, East Union Building, Bryan Student Center, and West Campus Plaza are approved and installed by the Office of Student Activities and Facilities. Residence Life and Housing Services approves banners on the exterior/interior of residence halls (contact the appropriate residence coordinator). Requests for hanging banners on all other university buildings and light poles must be approved by the Facilities Management Department located at 114 South Buchanan Boulevard (684-2122). Contact the Facilities Management Department, the Office of Student Activities and Facilities, or Residence Life and Housing Services for specific guidelines.

Posters, Announcements, and Bulletin Boards

The following is a checklist of procedures with reference to the posting of notices on university bulletin boards, building doors, containers, light posts, trees, and sidewalks.

- Posters/flyers 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.
- Posters/flyers must state the name of the sponsoring organization, business, department or person responsible.
- Staples, thumbtacks, masking tape or transparent tape may be used to attach posters/flyers to approved bulletin boards or posting areas. The use of glue, nails, and duct tape or any other heavy-duty tape is prohibited.
- Posters/flyers must never 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.
- Posters/flyers may NOT be attached or affixed to any tree or utility pole.
- Posters/flyers (and the fasteners used to attach them) must be removed within three days after the advertised event.
- Immediately following the first day of fall and spring breaks and at the conclusion of the fall and spring semesters, all posters/flyers will be removed.

Alcohol

University-Wide Policy

As a community of scholars and learners, Duke University expects those within its community to be responsible with the use of alcohol. This policy shall guide the role of alcohol everywhere on the Duke campus and at all events sponsored by Duke organizations, schools, or administrative units. Students, staff, and faculty members are encouraged to learn about the social, physiological, and psychological consequences of drinking and alcohol abuse. Excessive and high-risk drinking can lead to negative consequences for the Duke community, including assault, illness, injury, litter, noise, property damage, and driving under the influence. All members of the Duke community share responsibility for creating an environment that limits dangerous drinking behaviors and, therefore, reduces the likelihood of these negative outcomes.

The following shall guide the role of alcohol in the Duke community:

- All possession, consumption, and distribution of alcohol at Duke University shall be in accordance with applicable North Carolina state laws.
- 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.
- When persons under 21 years of age can reasonably be expected to be present at an event, proper precautions must be taken to restrict distribution and consumption of alcohol to persons of legal drinking age. Student organizations shall also adhere to the specific guidelines for events outlined in the undergraduate *Bulletin of Information and Regulations* or the Graduate and Professional Student Alcohol Policy.
- Advertising or other communication that references the availability of alcohol at a function may neither promote alcohol as the focus of the event nor promote excessive drinking.
- Each community (e.g., Undergraduate, Fuqua, Law, etc.) may establish additional guidelines and policies governing the possession, consumption, and distribution of alcohol that reach beyond these minimal expectations. Violations of policies shall be adjudicated using existing procedures within each segment of the university.

Undergraduate Policy

The remainder of this policy, specifically for undergraduates, augments Duke's university-wide alcohol policy. For individuals as well as groups, prohibited behavior includes:

- Underage Possession/Consumption;
- Unsafe/Irresponsible Behavior;
- Violation of Community Expectations; and
- General Provisions Violation.

Sanctions for violations of any of these prohibited behaviors are outlined in the chapter of this *Bulletin* entitled Resolution of Student Conflict and Alleged Violations of University Policy. Parents of students under the age of 21 will be notified of alcohol-related disciplinary violations when a student's health or safety has been/is at risk.

See Appendix E, *Information And Resources Concerning Substance Use*, for health effects associated with alcohol and other drug use, helpful resources for assistance, and legal ramifications of illicit possession, use, or distribution.

Underage Possession/Consumption

Students under 21 years of age are not permitted to purchase, possess, or consume alcoholic beverages. Being under the influence of any amount of alcohol while underage is considered a violation of this provision.

Unsafe/Irresponsible Behavior

Unsafe or irresponsible behavior is defined as actions that are harmful or potentially harmful to one's self or others involving the use of alcohol. Such behavior includes, but is not limited to:

- consuming an excessive quantity in a short amount of time;
- participating in or facilitating drinking games or progressive parties;
- taking shots of liquor or consuming through beer bong;
- use or attempted use of fraudulent identification or another's identification to obtain alcohol; and
- making alcohol available to underage drinkers.

Community Expectations Violation

It shall be a violation of the alcohol policy to engage in an action while under the influence of alcohol that is disruptive to the community. Such behavior includes, but is not limited to:

- driving;
- exhibiting disorderly conduct, damaging property, and/or fighting;
- vomiting and/or urinating in public; and
- cursing and/or shouting at others.

General Provisions Violation

Additionally, Duke University has established the following general provisions regarding alcohol:

- No kegs are permitted in private rooms, student apartments, commons rooms, or other public space. (University-approved bartenders, who will be responsible for carding, may distribute alcohol from kegs in public space at officially approved and registered events.)
- Only university-approved bartenders are permitted to distribute alcohol on campus, including alcohol from common-source containers.
- Except at events in a licensed facility providing a cash bar, no spirituous liquor or fortified wines may be served to undergraduates.
- All students on university property consuming or possessing alcohol must carry a valid driver's license, state identification card, military identification card, or passport.
- Alcohol may not be brought in glass containers to BYOB events that require registration.
- No alcoholic beverages are permitted in first-year houses (or the surrounding grounds) on East Campus.
- No alcoholic beverages are permitted within the confines of athletic facilities during sporting events.
- The use of alcoholic beverages as a prize is prohibited.

Group-Sponsored Social Functions

Recognized groups may be held accountable for violations of the alcohol policy that occur during a group-sponsored event. As it is expected to ensure that such violations do

not occur, a group will be held accountable if the group failed to take appropriate precautions. Appropriate precautions must include:

- a party monitor for every 25 persons expected to attend the event;
- adequate and accessible non-alcoholic beverages and food;
- compliance with all fire safety regulations;
- adequate control of access to event;
- enforcing occupancy limits for the venue, including commons rooms, hallways, and stairwells;
- calling for medical/police assistance as needed; and
- serving of alcohol by licensed bartenders only.

Student party monitors must have attended a party management seminar presented by the Office of Student Activities and Facilities. Their duties shall include, but are not limited to, prevention of alcohol policy violations, intervention and care of inebriated, at-risk individuals, elimination of safety hazards, and attention to group precautions. Checking identification will be the responsibility of licensed bartenders.

Social events that fail to meet any of these expectations must be shut down immediately.

Health and Safety Intervention

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. The action may be a call to Duke Police (911; 684-2444 from non-campus phones) or Student Health (681-WELL (9355)) for assistance and guidance. Whatever the particular need/problem, it is important to respond in a responsible and timely manner.

Formal disciplinary action for a violation of the alcohol policy will not be taken against students for whom medical assistance is sought, or against those who seek medical assistance for themselves or for others, provided that the student/group has not violated other university policies that warrant formal disciplinary action.

A student who receives medical assistance shall be required to meet with a substance abuse specialist in Counseling & Psychological Services (CAPS) for education, assessment, and possible referral for treatment. The student will also be required to complete an educational assignment. Parents of such students under the legal drinking age will also be notified.

In the event that a student fails to meet with the specialist, chooses not to participate in the treatment program outlined, or exhibits a pattern of abusive behavior with alcohol, the student may be subject to formal disciplinary action and/or placed on a Medical Leave of Absence until he/she produces documentation that appropriate treatment has been successfully sought.

Resources

The following resources are available to members of the Duke community:

- Duke Police and Emergency Medical Service: 911 or (919) 684-2444. Professionals will respond to assess the medical needs of an individual who is incapacitated or at-risk.
- Counseling and Psychological Services: (919) 660-1000. CAPS offers evaluation, consultation, counseling, and referrals for students concerned about alcohol use.
- Personal Assistance Service: (919) 416-1727. PAS offer assessment, short-term counseling, and referrals for employees and faculty members concerned about alcohol use.

- Duke Addictions Program: (919) 684-3850. DAP offers evaluation, consultation, and treatment for individuals with alcohol and other substance abuse issues, as well as support services for family members.
- Holly Hill Hospital: (800) 447-1800. 24-hour confidential advice on alcohol abuse.
- Academic courses related to alcohol use, treatment, and research. See course listings through the Office of University Registrar (<http://registrar.duke.edu>) or the *Bulletin* of each school.
- A more extensive listing of counseling services, educational programs, and other resources can be found in Appendix E, *Information And Resources Concerning Substance Use*.

Animals on Campus

Any animal brought on campus by students or guests may not be unrestrained. With the exception of medically required dogs, animals are prohibited inside university facilities. 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.

Bridge Painting

The bridge on Campus Drive is a place where groups and individuals from Duke can express opinions that are not restricted by content, except by legal standards. The bridge will not be censored for content by the university. As part of a campus maintenance program, the entire bridge may be painted during the summer and semester break. Students are reminded that painting other university property without permission is prohibited. Any group or individual identified as being responsible for painting anything other than the bridge will be charged for clean up and may also be subject to disciplinary action.

Classroom Disruption

Students 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 (including cellular telephones); 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 Electronic Communications

Security and Privacy

The purpose of this policy is to establish and promote the ethical, legal, and secure use of computing and electronic communications for all members of the university community.

The university 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, the university may find it necessary to access and disclose information from computer and network users’ accounts to the extent required by law, to uphold contractual obligations or other applicable university policies, or to diagnose and correct technical problems. For this reason, the ultimate privacy of messages and files cannot be ensured. In addition, system

failures may lead to loss of data, so users should not assume that their messages and files are secure.

Neither the university nor its agents restrict the content of material transported across its networks. While the university does not position itself as a censor, it reserves the right to limit access to its networks or to remove material stored or posted on university computers when applicable university policies, contractual obligations, or state or federal laws are violated. Alleged violations will receive the same academic due process as any other alleged violation of university policy, contractual obligations, or state or federal laws.

Acceptable Use

In making acceptable use of resources you must:

- Use resources only for authorized purposes.
- Protect your userid and system from unauthorized use. You are responsible for all activities on your userid or that originate from your system. Your userid and password act together as your electronic signature.
- Access only information that is your own, that is publicly available, or to which you have been given authorized access.
- Use only legal versions of copyrighted software in compliance with vendor license requirements.
- Be considerate in your use of shared resources. 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.

In making acceptable use of 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. Contact the OIT Help Desk if you need assistance with giving other people authority to access your files or e-mail.
- Use computer programs to decode passwords or access-control information.
- Attempt to circumvent or subvert system or network security measures.
- Engage in any activity that might be purposefully harmful to systems or to any information stored thereon, such as creating or propagating viruses, worms, or "Trojan horse" programs; disrupting services; damaging files; or making 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 mail or messaging services to harass or intimidate another person, for example, by broadcasting unsolicited messages, by repeatedly sending unwanted mail, or by using someone else's name or userid.
- Waste shared computing or network resources, for example, by intentionally placing a program in an endless loop, printing excessive amounts of paper, or by sending chain letters or unsolicited mass mailings.
- Use the university's systems or networks for commercial purposes; for example, by selling access to your userid 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

Large-scale e-mail communications within groups or units, including surveys, announcements, etc., require the implicit or explicit prior approval of that group or unit. In the case of such communications from outside the unit, the approval must always be explicit. See the OIT Web site for full information (<http://www.oit.duke.edu/group-email/>).

Note that the above computing policies are subject to change. See <http://www.oit.duke.edu/oit/policy> for current policies.

Disorderly Conduct

Disorderly conduct is contrary to the mission of the university and will be addressed through the disciplinary process. Disorderly conduct is defined as:

- any unreasonable or reckless conduct that is inherently or potentially unsafe to other persons or their real or personal property; and/or
- any behavior that disrupts the peace or interferes with the normal operation of the university or university-sponsored activities.

Drugs and Drug Paraphernalia

Duke University prohibits members of its community to manufacture, sell, deliver, possess, use, or be under the influence of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the North Carolina Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens.

The possession of drug paraphernalia is also prohibited under North Carolina state law and university policy. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the North Carolina Controlled Substances Act.

In addition to disciplinary action, the judicial officer, or designee, may require a student to take a leave of absence, and return to campus may be conditional upon proof of completion of a substance abuse treatment program.

(See Appendix E, *Information And Resources Concerning Substance Use*.)

DukeCard

As stated on the back of the DukeCard, the card “should be carried at all times and presented upon request to any university official. [It] is not transferable. The transfer of an ID card to another person, or the possession of another person’s ID card, may result in confiscation of the card and judicial action.”

Failure to Comply

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

- directions, requests, or orders of any university representative or body acting in an official capacity, or impeding with the carrying out of such directives; and/or
- sanctions rendered during the disciplinary process (including sanctions issued by a residential staff member).

Falsification/Fraud

Honesty and integrity are critical components of the Duke Community Standard. A student 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

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 university facilities except during official religious ceremonies such as the observance of Chanukah. Those individuals wishing to utilize candles in observance of a religious holiday or any other event shall contact OESO-Fire Safety Division to obtain permission and information concerning fire prevention. Students 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.

Electrical Wiring/Appliances. Tampering with electrical wiring, including, but not limited to, the installation of direct-wired ceiling fans and dimmer switches, is prohibited. Damage caused by electrical appliances that are not owned by Duke University is the responsibility of the resident(s). Irons, hair dryers, heaters, coffee pots, hot plates, and other heat-producing appliances shall never be left unattended. All electrical appliances shall be UL approved and maintained in good condition. Numerous electrical devices plugged into one outlet or extension cord may cause a circuit overload or may cause overheating of the electrical appliances. Use an electrical outlet strip with a built-in surge protector or circuit breaker whenever more than one appliance is powered by that cord.

Fire Alarms/Drills. Never assume that a fire alarm is a drill or false alarm. Evacuation is mandatory for all individuals when the fire alarm is sounding. Anyone who fails to evacuate may face disciplinary action. Remain calm and evacuate the facility. Remember to follow the instructions of the emergency responders. If you have any information regarding the alarm, present that information immediately to the responding emergency personnel.

Fire Extinguishers, Sprinklers, and Other Fire-Fighting / Detecting Equipment. Relocating, removing, tampering with, or destroying smoke detectors or fire-fighting equipment is strictly prohibited. Damage and/or theft of fire equipment also is punishable under North Carolina state law.

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

Flammable/Combustible Materials in the Residential Areas. Flammable/combustible materials, including but not limited to gas, lighter fluid, and propane lanterns, are not permitted in residential areas.

Grills. North Carolina state law prohibits the use of portable charcoal, gas, or electric grills within 10 feet of all residence halls/apartments. Storage of grills not in use, which are cool, is permitted on the exterior of the structure or in approved locations. Failure to abide by this ordinance may result in a fine as determined by the Durham Fire Marshal in addition to disciplinary action.

Halogen Lamps. Fire Safety and Residence Life and Housing Services (RLHS) strongly recommend NOT using halogen lamps. 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. If you use a halogen lamp, make sure it has a guard over the bulb and that the guard is secured to the lamp.

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. RLHS, Facilities Management Department, Fire 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 may not be left in these areas or other locations where they may cause harm to persons or grounds-keeping equipment. Motorcycles must be parked in parking lots. Delivery trucks, automobiles, motorcycles, scooters, and mini-bikes are not permitted on lawns and walkways, patios, or stairwells. These vehicles must be parked in legal parking spaces.

Open Fires On Campus. Open fires, including bonfires, are not permitted on Duke University property except as approved by the OESO-Fire Safety Division and the Durham Fire Marshal. 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.

Open Flames. Candles, incense, burning charcoal, or any other flame/heat producing items are strictly prohibited inside any university facility without the written permission of the Fire Safety Division.

Gambling

It is against North Carolina state law and Duke University policy to gamble, with the exception of the state lottery. A person/organization is guilty of gambling if he/she/it 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.

Guests

Students are responsible for notifying their guests of university rules and regulations and may be held accountable for the conduct of their guests. Guests who do not abide by university policies are subject to being trespassed.

Harassment

Administrative responsibility for implementing the harassment policy rests with the Office for Institutional Equity (OIE). Individuals who wish to file a complaint of harassment or have questions about the harassment policy should contact the Office for Institutional Equity at 684-8222 or visit the OIE Web site at <http://www.duke.edu/web/equity/>.

Introduction

Harassment of any individual for any reason is not acceptable at Duke University. Harassment may arise in situations unique to a given interpersonal relationship or in actions rooted in an attitude toward a group. Sexual harassment is perhaps the most commonly understood form of harassment, but it is important to note that harassment on any demographic basis—including age, color, disability, ethnic or national origin, gender, race, religion, class, institutional status, or sexual orientation or preference—also occurs and is expressly forbidden. Abuse of the relationship between teacher and student, or provider and patient, is of particular concern because of the educational and health care missions of Duke University. In all cases, harassment undermines the university's commitments to excellence and to respect for the dignity and worth of all individuals.

This policy against harassment is consistent with the university's valuation of academic freedom. Duke University is committed to the free and vigorous discussion of ideas and issues, which the university believes will be protected by this policy. This harassment policy shall be applied in a manner that protects the academic freedom of all parties to a complaint. Academic freedom and the related freedom of expression include,

but are not limited to, the civil expressions of ideas, however controversial, in the classroom, residence halls, and other teaching and student living environments.

In addition to this harassment policy and procedures, Duke University and Duke University Health System also provide educational programs to raise the level of understanding about the nature of harassment and ways to prevent its occurrence. The full text of the harassment policy and information about these programs may be found on the Web site of the Office for Institutional Equity: <http://www.duke.edu/web/equity/>.

Scope

Duke Staff, Faculty, Students. This harassment policy applies to all persons who are enrolled at or employed by Duke University and Duke University Health System, including their entities and subsidiary organizations, while they are on university property or are participating in a university-related activity off campus. All aspects of the harassment procedures described below apply to situations in which both complainant and respondent are enrolled or employed at Duke University or its subsidiaries, except in those cases in which the respondent is a Duke undergraduate. Claims of harassment against Duke undergraduate students are handled by the Office of Judicial Affairs in the Dean of Students Office. That office can be reached by telephone at 684-6938 and its Web site address is <http://judicial.studentaffairs.duke.edu>. Claims by or against a member of the Office for Institutional Equity will be handled by the Office of the President or his or her designate.

All Others. Situations that involve other individuals (e.g., visitors, patients, graduates of Duke University, applicants for admission or employment, or former employees) who believe they have been harassed by someone either employed by or enrolled at Duke University or Duke University Health System, either on campus or in a university-related activity, may be addressed only through the informal process for handling an allegation. Situations in which Duke University or Duke University Health System employees or students believe they have been harassed by visitors to the university or contractors or vendors serving the university will be resolved through the informal process for handling an allegation.

Individuals who have questions about the harassment policy or who wish to file a complaint of harassment should contact the Office for Institutional Equity at 684-8222 or visit the OIE Web site: <http://www.duke.edu/web/equity/>.

Definitions

Harassment may take two forms:

The first form of harassment is verbal or physical conduct—which may or may not be sexual in nature—that, because of its severity and/or persistence, interferes significantly with an individual’s work or education, or adversely affects an individual’s living conditions.

The second form of harassment occurs if a person uses a position of authority to engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is explicitly or implicitly made a term or condition of an individual’s employment or education; or
- submission to or rejection of such conduct is used as a basis for decisions affecting an individual’s education or employment.

The conduct alleged to constitute harassment under this policy shall be evaluated from the perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior.

Harassment must be distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

Complainant refers to the person making an allegation or complaint of harassment.

Respondent refers to the person against whom the allegation or complaint of harassment is made.

An **allegation** is a statement by a complainant that he or she believes an act of harassment has occurred. An allegation is handled through the informal resolution process.

A **complaint** is a formal notification, either orally or in writing, of the belief that harassment has occurred. A complaint is handled through either the informal or formal process for resolving claims of harassment.

Retaliation

Against the Complainant. It is a violation of Duke's harassment policy to retaliate against a complainant for making a claim of harassment. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship—to ensure that retaliation does not occur.

Against the Respondent. A claim of harassment is not proof of prohibited conduct. A claim shall not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the university's harassment policy has been violated. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.

Against a Witness or Participant in the Investigation. It is also a violation of the harassment policy to retaliate against individuals providing information related to a complaint.

Claim of Retaliation. A claim of retaliation by a complainant, respondent or witness may be pursued using the steps followed for an allegation or complaint of harassment.

False or Malicious Complaints

Knowingly filing a false or malicious complaint of harassment or of retaliation is a violation of the harassment policy. Such conduct may be pursued using the steps followed for a complaint of harassment.

Evaluation and Resolution of Claims of Harassment

Responsibility for implementing the Duke University and Duke University Health System policy and procedures regarding harassment rests with the Office for Institutional Equity (OIE). Procedures for addressing allegations and complaints of harassment may be viewed at the OIE Web site address: <http://www.duke.edu/web/equity>. You may also request a full-text copy of the harassment policy, which includes the procedures, by contacting OIE at 684-8222.

Other university and health system personnel are also available to provide consultation and assistance. For example, Staff and Labor Relations representatives within Human Resources are trained to assist either with the handling of allegations or the filing of complaints. Supervisors of employees, and senior academic administrators who work with faculty and students, can also provide guidance about responding to situations that may constitute harassment. **Harassment Prevention Advisors** trained by OIE are available to assist students with harassment concerns. The names of HP Advisors are available on the OIE Web site (<http://www.duke.edu/web/equity>).

Some forms of harassment may violate federal and state laws, and a complainant or respondent may choose to invoke external processes to resolve his or her concerns instead of or in addition to pursuing the procedures set forth herein. Any internal process proceeds without regard to an external process unless university counsel instructs otherwise.

Procedures for Resolution of Claims of Harassment Between/Among Undergraduate Students. The Office of Judicial Affairs in the Dean of Students Office has the authority to adjudicate, through the undergraduate judicial system, all claims of

harassment where respondent/accused is a Trinity College or Pratt School of Engineering undergraduate student. For these cases, mediation may be attempted with agreement of the parties, but it is neither mandatory nor a right of the complainant or respondent. Students who have concerns about possible harassment may discuss the situation with a harassment prevention advisor, Duke Police, or the Dean of Students Office.

Students with such complaints, individuals charged with harassment, and individuals with knowledge of situations in which harassment may exist may seek assistance through a harassment prevention advisor or through the Office for Institutional Equity.

Procedures for Resolution of Harassment Concerns Involving a Teaching Assistant, Graduate Student, Faculty Member or Nonfaculty Employee. Harassment complaints that involve both undergraduate students and either graduate students, faculty members or employees are addressed, as necessary, through the intervention of OIE or the official responsible for the respondent's supervision. Such situations are of particular concern because the possible inherent power differential between the parties increases the potential for coerciveness.

Hazing

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 an organization (fraternity, sorority, athletic team, or other group) in which there is often a perceived or real power differential between members of the organization and those newly joining it.

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 his/her membership status. Such activities and situations include, but are not limited to:

Level I Violations

- 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

Level II Violations

- 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

Level III Violations

- branding
- paddling in any form
- compromising (sexual) situations

Both individuals and groups may be held accountable under this policy. The action of even one member of a group may result in both individual and group responsibility. The following questions can help individuals/groups assess the appropriateness of an activity:

- Does the activity promote and conform to the ideals, values, and mission of both the university and organization?
- Is it an activity that all members (current and initiates) engage in together?
- Would the group's advisor, the national headquarters of a fraternity/sorority, and/or other university officials approve of the activity?
- Will this activity increase new members' respect for the group and all members of the group?
- Is the activity free of mental anguish or physical discomfort?
- Does the activity have inherent value in and of itself?

[Adapted from the Fraternity Executive Association, the North American Interfraternity Conference, Inc., and Washington University.]

Any individual or group found responsible for hazing will be subject to sanctions outlined in the disciplinary process, including, but not limited to: disciplinary probation, social suspension, suspension of charter, restrictions on member recruitment and/or group activity, removal of the individual from the group, loss of housing privileges, suspension, and/or expulsion. 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.

Acts or potential acts of hazing may be reported to the Office of Judicial Affairs (684-6938) or Duke Police (911, or 684-2444 from non-campus phones). In addition, concerns may be reported confidentially via voicemail to the university's Hazing Hotline at 684-5766.

Noise

Students are expected to respect the rights of others **at all times**. During specified hours, higher noise levels will be tolerated but must remain at a level considerate of those students who wish to study or sleep:

East, West Campuses:

Quiet hours are in effect at all times other than as noted below, when reasonable levels of noise will be permitted:

5:00 pm-7:00 pm Monday-Thursday

5:00 pm-2:00 am Friday

1:00 pm-2:00 am Saturday

1:00 pm-6:00 pm Sunday

Central Campus:

Quiet hours are in effect 24-hours a day, 7-days a week.

All Campuses:

From reading day(s) through the end of finals, quiet hours are in effect 24-hours a day.

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 residence coordinators. If necessary, persistent complaints may be registered by calling Duke Police at 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 Judicial Affairs in the Dean of Students Office for disciplinary action.

Physical Abuse, Fighting, and Endangerment

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

- Physical violence (initiating or responding to) or attempted physical violence against another person or group. This includes fighting.
- Threat of physical violence against another person or group.
- Any action that endangers the health, safety or welfare of a person or group.
- Attempt to, or actual harm, to oneself.

[Wording adopted from Eastern Michigan Student Conduct Code, <http://www.dsa.emich.edu/sjs/violations.html>.]

Pickets, Protests, and Demonstrations

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 to be 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 the Office of Student Activities and Facilities (684-4741) 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.

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 his/her 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.

Property/Facilities/Services

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

- Theft of the property and/or services of another;
- Damage, destruction, or defacement of the property of another, including littering or chalking of university property;
- Wrongful appropriation of the property and/or services of another;
- Unauthorized possession and/or use of the property of another, including knowingly being in possession of stolen goods (this includes unauthorized use of vehicles, equipment, services, the Duke University name and logo).
- Unauthorized access or entry into university facilities, including but not limited to buildings, classrooms, residential rooms, athletic areas, Central Campus pool, parking areas, roofs, ledges, and tunnels; or
- Violation of any policy or guidelines pertaining to specific usage of a university facility.

[Wording adopted from Eastern Michigan Student Conduct Code, <http://www.dsa.emich.edu/sjs/violations.html>.]

Sexual Misconduct

The tenets of the university's Community Standard (honesty, trustworthiness, fairness, and—especially—respect for others) are essential components of healthy interpersonal relationships. When relationships become intimate, these principles become paramount. Sexual intimacy requires mutual engagement in an environment of affirmative consent. Sexual misconduct against anyone by anyone, male or female (whether acquaintance or stranger) is unacceptable. Duke University is committed to providing an environment free of personal affronts against individuals and will not tolerate sexual misconduct in its community.

Duke University has developed this policy based on these fundamental principles:

- Members of the university community are expected to maintain ethical standards of honesty and respect for others.
- Sexual misconduct encompasses a range of behaviors, from inappropriate touching to rape, which must be confronted directly by the campus community.
- The use of alcohol or other drugs can blur the distinction between consent and manipulation.
- Real or perceived power differentials between individuals may create an unintentional atmosphere of coercion.
- Educational and preventative measures are necessary components of the university's commitment to reduce sexual misconduct in its community.
- Responding effectively to reports of sexual misconduct necessitates the coordinated efforts of several campus offices including Duke Police, Sexual Assault Support Services in the Women's Center, the Dean of Students Office,

Residence Life and Housing Services, Counseling and Psychological Services, and Student Health.

- The university will take seriously every report of sexual misconduct it receives by conducting a careful investigation and working to ensure that both complainants and accused students are given appropriate support and fair treatment.

Sexual misconduct defined. Sexual misconduct is defined as any physical act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent. Acts of a sexual nature include, but are not limited to, touching or attempted touching of an unwilling person's breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or rape, forcible sodomy, or sexual penetration (however slight) of another person's oral, anal or genital opening with any object. Sexual misconduct also includes sexual exploitation, defined as taking non-consensual, unjust sexual advantage of another for one's benefit or the benefit of another party. These acts may or may not be accompanied by the use of coercion, intimidation, or through advantage gained by the use of alcohol or other drugs.

Consent defined. The university's definition of sexual misconduct mandates that each participant obtains and gives consent in each instance of sexual activity. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is intoxicated, "high," scared, physically or psychologically pressured or forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

The use of alcohol or other drugs. The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high is never an excuse for sexual misconduct.

Examples of Sexual Misconduct

Angela and Aaron have been in an ongoing relationship for a year-and-a-half and have engaged in consensual sexual intercourse. One night while becoming intimate, Angela stops and says she doesn't feel like having sex that night. Aaron continues to touch her, saying that she got him excited and it wasn't fair of her to lead him on like that. Again Angela tells him she does not want to have sex, and then is silent. Aaron decides she has given in, and proceeds to have sexual intercourse with her. *This is a violation of the Sexual Misconduct Policy. Aaron had sexual intercourse with Angela against her will. The fact that Angela has freely consented to sexual intercourse with Aaron in the past does NOT mean he has her consent in this situation.*

Erin is talking to several of her friends in the hallway at a crowded party. Ryan, a student she knows from chemistry class, comes up behind her and places his arms around

her waist. She says hi to Ryan and continues her conversation. After a while, she realized that Ryan has moved his hands up to her breasts. She turns to him and tells him to stop, saying she doesn't want to be touched in that way and that he should have more respect for her. He laughs, tells her she takes herself too seriously, and again begins to grope her. *This is a violation of the Sexual Misconduct Policy. Ryan touched Erin in a sexual way without her consent, and continued to do so after she told him to stop. This behavior is a form of sexual misconduct.*

Kristen and Myra have been intimate for a few weeks. One night, Myra calls Kristen and asks her to come over. When she arrives, Myra kisses Kristen passionately and leads her into the bedroom. They each express their excitement and desire to "hook up," and are soon making out heavily in Myra's bed. After a while, Kristen tries to engage in oral sex with Myra. Myra tells Kristen that she really likes her, but that she doesn't feel ready for that. Kristen tells Myra she's just being shy, and ignores her when she repeats that she doesn't feel ready. Finally, Kristen threatens to tell their friends that Myra is a lesbian. Because Myra has not yet come out to her friends and family, she becomes frightened and silent. Kristen proceeds with oral sex. *This is a violation of the Sexual Misconduct Policy. Because of Kristen's manipulative and threatening arguments, Myra was afraid and unable to freely give her consent. Kristen did not receive consent from Myra and has committed sexual misconduct.*

Liz and Tom have been together for six months. She often tells her friends stories of Tom's sexual prowess, and decided to prove it to them. One night, she and Tom engage in consensual sexual intercourse. Without Tom's knowledge, Liz sets up a camcorder to videotape them having sex. The next evening, she shows the video to her friends and they discuss his performance. *This is a violation of the Sexual Misconduct Policy. Tom's consent to engage in sexual intercourse with Liz did NOT mean Liz had obtained his consent to videotape it. This is a form of sexual exploitation.*

Andrew and Felix have been flirting with each other all night at a party. Around 12:30 a.m., Felix excuses himself to find a bathroom. Andrew notices Felix slurring his speech. Andrew wonders if Felix went to the bathroom to vomit. When Felix returns, the two begin flirting more heavily and move to a couch. As the conversation continues, the two become more relaxed and more physically affectionate. Andrew soon suggests they go back to his room, and Felix agrees. As they walk down the stairs, Andrew notices that Felix looks unstable and offers his arm for support and balance. When they get back to his room, Andrew leads Felix to the bed and they begin to become intimate. Felix becomes increasingly passive and appears disoriented. Andrew soon begins to have sexual intercourse with him. The next morning, Felix thinks they had sex but cannot piece together the events leading up to it. *This is a violation of the Sexual Misconduct Policy. Felix was clearly under the influence of alcohol and thus unable to freely consent to engage in sexual activity with Andrew. Although Andrew may not have known how much alcohol Felix had consumed, he saw indicators from which a reasonable person would conclude that Felix was intoxicated, and therefore unable to give consent. Andrew in no way obtained consent from Felix.*

Support Services and Options for Survivors of Sexual Misconduct

A variety of support resources are available on campus and in the community to assist students in dealing with sexual or dating violence, whether it happened recently or in the past. Following is a list of helpful resources. Additional resource information is available at <http://wc.studentaffairs.duke.edu>.

Information, Advocacy, Counseling and Emotional Support. The Office of Sexual Assault Support Services (SASS) was created to provide education, advocacy, and support for survivors of sexual and dating violence and their friends and families. The SASS office works closely with other university departments to provide comprehensive information and advocacy with regard to crisis intervention, ongoing counseling, support groups, medical services, law enforcement, academics, judicial and legal concerns, and/or

residential living. Appointments to meet with the SASS coordinator can be scheduled during business hours by calling 684-3897 or by visiting the Women's Center located on West Campus (126 Few Fed Building near the bus stop across from the Allen Building). Counseling and Psychological Services (CAPS) also offers ongoing counseling services; call 660-1000 for an appointment. For 24-hour crisis information and referral, contact the SASS information line at 681-6882, the dean-on-call (pager number 970-4169), or the Durham Crisis Response Center at 403-6562 (for 24-hour hotline). All services are confidential and do not require making a formal report to the police.

Medical Concerns. For immediate and urgent medical concerns, go directly to the Emergency Department (ED) of Duke Medical Center (off Erwin Road near Trent Hall). You can call the Duke Police Department (684-2444 or 911) for transportation without having to make a report. The services available are: medical care, evidence collection, emergency contraception, and sexually transmitted disease prevention. To leave your options for pressing charges open and to be eligible for victim's assistance, a state fund which pays for hospital expenses, you will want to have evidence collected by the hospital within 96 hours of the assault. In order to receive funds from victim's assistance, you must make a police report. Another funding option for repaying hospital bills is a loan fund available through the SASS office. This loan fund does not require that you make a police report. Contact the SASS coordinator for more information. For less immediate medical concerns, schedule an appointment at Student Health (681-WELL). You can call SASS for someone to accompany you if you would like. The services available are: medical care, emergency contraception and sexually transmitted disease prevention. The student health fee covers all services, except for a minimal charge for emergency contraception.

Reporting to the Police. Duke Police (911 or 684-2444 from non-campus phones) will respond to emergencies and non-emergencies to provide legal assistance by intervening in cases of assault, providing transportation to the Emergency Department, taking reports of an assault, investigating and participating in appropriate legal or disciplinary action. They are responsible for notifying the community in a case of continuing danger, can issue a trespass order that requires an individual to stay away from campus or a particular area or campus, and will provide referrals including how to obtain a restraining order. Assaults that occur off campus may fall under the jurisdiction of the Durham Police Department or other appropriate law enforcement agency. Students may contact the Durham Police directly (911 off campus or 560-4427/560-4609) or the SASS office or Duke Police can help facilitate reporting. Blind reporting—filing a report without your name attached to it—is an available option with both Duke and Durham's police departments.

Reporting Sexual Misconduct for University Disciplinary Action

The Office of Judicial Affairs in the Dean of Students Office (684-6938) receives complaints of a possible violation of this policy for adjudication through the university's disciplinary process. Reports must be filed within two (2) calendar years from the date of the alleged incident. Complainants should submit a written statement regarding the alleged incident or email judicial@studentaffairs.duke.edu. Complainants may meet with Judicial Affairs staff before submitting a written statement.

Investigation. The judicial officer, or designee, may meet with the complainant to hear or clarify his/her account of the incident and review the disciplinary process. A formal investigation may be launched, which includes an initial meeting with the accused and an opportunity for the accused to also submit a written statement (generally within five business days) in response to the allegations. After written statements are received, the judicial officer or designee may ask further clarifying questions of the complainant, accused, or witnesses. A determination will be made on whether to proceed with a hearing based on sufficient information to believe that a policy violation may have occurred. During the investigation and until resolution of the matter, interim restrictions may be issued as deemed appropriate by the judicial officer or designee, including restrictions on

contact between the complainant and the accused, exclusion from areas of campus, removal or relocation from residential areas, etc.

Hearing Procedures. Every effort will be made to convene a hearing panel within four weeks of the formal complaint. All hearing procedures as outlined in this bulletin will be followed with the exception of the following. A three-person hearing panel will preside over a case that is referred to the Undergraduate Judicial Board, comprised of two faculty or staff members and one student. A finding of responsibility must be based on a unanimous vote; any sanction must be decided by a majority vote with the exception of suspension or expulsion, which must be supported unanimously. A complainant may have an advisor (a member of the university community) present during a hearing, but as with the accused's advisor, he/she may only confer quietly or through notes with the complainant and may not address the panel.

Romantic or sexual history of either the accused or the complainant with others will not be allowed in a hearing, except that testimony offered by the accused or complainant about his/her own sexual history. If such information is offered, the other party has the right to respond to that testimony. Testimony and questions regarding any romantic or sexual history of the accused and complainant with each other are permitted.

Participants are reminded that any information shared during a hearing is confidential. The hearing panel will decide what testimony, witnesses, or other information is relevant, and may exclude information or a witness that is deemed duplicative or immaterial. The complainant or accused should inform the judicial officer prior to the hearing of the names of any witnesses he/she wishes to testify and to what they will attest. Witnesses should avoid hearsay.

Rights of complainants. Complainants will be treated with respect and sensitivity before, during, and after the disciplinary process. The university will make all reasonable efforts to ensure the preservation of confidentiality, restricting information to those with a legitimate need for it. Complainants will be informed of the university's disciplinary process and possible outcomes. Complainants also have the right to report criminal sexual conduct to local law enforcement, which does not preclude university disciplinary action. Complainants have the right to (and are strongly encouraged to seek) counseling and support available through resources such as Sexual Assault Support Services (SASS) in the Women's Center, Counseling and Psychological Services (CAPS), and Durham Crisis Response Center (DCRC). Complainants may request changes to academic and living situations and will be notified as to what changes are reasonably available. Complainants also have access to disciplinary advisors to guide them through the disciplinary process.

Allegations of sexual misconduct will be investigated in a thorough and timely manner. Complainants will be kept updated of the status of an investigation and the outcome of a hearing. An advisor (who is a member of the university community) may accompany complainants to any meeting with the judicial officer or to a hearing. At their request, complainants have the right to receive—within the parameters of FERPA—a copy of the written information given to a hearing panel. Complainants may offer relevant material witnesses to speak on their behalf. (Note that a hearing panel may exclude witness testimony deemed irrelevant or duplicative.) Complainants may also submit two written character references to a hearing panel before the hearing begins. Complainants will be given the opportunity to make opening and closing statements to a hearing panel.

Rights of accused students. Students accused of sexual misconduct have the same rights as any student accused of a policy violation (see "The Undergraduate Disciplinary System"), which includes the right to a 48-hour notice in advance of a hearing, the right to bring material witnesses to speak on his/her behalf (written testimony of two character witnesses may be submitted to a hearing panel before the hearing begins), and the right to ask questions (directed through the hearing panel) of any witness present. (Note that a hearing panel may exclude witness testimony deemed irrelevant or duplicative.) An accused student may request changes to academic and living situations, and will be notified as to what changes are reasonably available. Accused students can expect a presumption of innocence throughout the disciplinary process unless found responsible

through an impartial and fair hearing, and will be treated with respect throughout the process.

Disciplinary advisors are made available to the accused and should be consulted at the onset of an investigation. Their role is to educate accused students about the disciplinary process and provide support. An advisor (a disciplinary advisor or any other member of the university community) may accompany the accused to a hearing, but may only confer with the accused.

Notification of hearing outcome and sanctions. The complainant and accused will receive verbal notification of the outcome of the hearing no sooner than two business days and no later than five business days after the hearing. (Note that re-disclosure by the complainant of a “not responsible” decision to anyone without the prior consent of the accused is a violation of the Family Educational Rights and Privacy Act). Notification will be individually given to the accused and complainant at approximately the same time. A written hearing report outlining the decision and rationale of the hearing panel will be later delivered to the accused. Sanctions for a finding of responsibility include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions deemed appropriate by the hearing body. Students who are found responsible for a violation of this policy have a right of appeal based on the grounds described in this bulletin.

Smoking

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 is not permitted in any university building, including residence halls. Smoking is permitted with roommate(s) consent only in the Central Campus Apartments.

Solicitation

Commercial selling or soliciting is prohibited in university facilities and in the residence halls or Central Campus Apartments whether by students or non-students. The West Campus Plaza environs may be used for the purpose of sales, distribution, or events involving the use of sound amplification equipment. Any such activity must be sponsored by a recognized campus organization.

Stalking

Duke University prohibits stalking and cyberstalking. A student who repeatedly follows or sends unwanted communication to another—placing a person in reasonable fear for his/her safety or causing a reasonable person emotional distress—is in violation of this policy.

Weapons/Firearms/Explosives

It is against North Carolina state law and university policy to possess a gun, rifle, pistol, or other firearm of any kind, or any powerful explosive on university property. Likewise, students are not permitted to possess on campus any weapon, including mace, BB gun, stun gun, paintball gun, realistic-looking toy gun, air rifle, air pistol, sword, bowie knife, dagger, slingshot, switchblade knife, blackjack, and metallic knuckles.

Other Violations

Students may be subject to disciplinary action for:

- Violating any other published or posted university regulation not specifically mentioned in this section, including the Housing License, the *Residence Hall Guide*, *Central Campus Apartment Guide*, student activities regulations, guidelines for organizations, parking regulations, etc.

- 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.
- Violating local ordinances or state or federal laws (as determined through the university's disciplinary process), including those related to noise, housing occupancy, and the use or distribution of alcohol.

Resolution of Student Conflict and Alleged Violations of University Policy



Bringing a Complaint Against a Student

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

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

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

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

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

TYPES OF RESOLUTION

Mediation

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

Arbitration

Arbitration is a process by which students are given an opportunity to present information about a dispute to a neutral third party who renders a decision. Arbitration is

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

Informal Resolution

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

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

Disciplinary Action

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

The Undergraduate Disciplinary System

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

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

ORGANIZATION

- The Office of Judicial Affairs, within the Dean of Students Office, is designated to oversee the undergraduate disciplinary system.
- Hearing officers are designated to resolve disciplinary matters through informal or formal disciplinary resolution.
- The Undergraduate Judicial Board (UJB) is designated to resolve formal disciplinary matters that involve complicated circumstances, serious infractions of university policy, and/or repeated misconduct. The UJB is comprised of students, faculty and staff. At all times, consideration shall be given to the appointment of a board reflective of the population of the university community. Rising juniors and seniors are selected each spring semester to serve as student members. (Once selected, student members will serve for the remainder of their undergraduate careers.) Student co-chairs will be elected by the board immediately following the completion of the new member selection process. Faculty members are appointed/approved by the dean of Trinity College or the Pratt School of Engineering. Staff members are appointed/approved by the vice president for Student Affairs.

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

JURISDICTION

- The university may respond to any complaint of behavior that occurred within a student's undergraduate career, from application to graduation. Complaints of sexual misconduct must be filed within two (2) calendar years of the alleged incident.
- Any undergraduate student is subject to disciplinary action. This includes students who have matriculated to, are currently enrolled in, are on leave from, or have been readmitted (following a dismissal) to programs of the university.
- With the agreement of the vice president for Student Affairs and the dean of the college or school, jurisdiction may be extended to a student who has graduated and is alleged to have committed a violation during his or her undergraduate career.
- The accused 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 take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing any violation of local, state or federal law, or university policy—on or off campus—that constitutes a direct or indirect threat to the university community. Further, students who are cited, arrested, or reported for repeated behavioral concerns off campus may be subject to disciplinary action. Additionally, students or groups who are on university-affiliated programs/outings may be subject to disciplinary action.
- In cases of alleged policy violations by a student enrolled in a joint degree program or interdisciplinary coursework within Duke, each school or unit (the home unit and the host unit) may have a stake in the adjudication. Thus, an ad hoc process shall be developed and an ad hoc panel formed with representatives from both institutions/units to handle the case. The sanctions may be different for each school or unit.
- For students doing inter-institutional coursework at other institutions, whether domestic or international, or for visiting students enrolled in classes at Duke, the home and the host institutions should confer and decide the process to be followed, which may include combined or separate elements. The sanction may be different for each institution.

THE DISCIPLINARY PROCESS

Complaints

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

Interim Restrictions

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

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

Investigation

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

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

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

Referral for Disciplinary Action

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

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

Resolution through a Disciplinary Hearing

Any case may be forwarded directly to a disciplinary hearing if there is sufficient information to believe that a policy violation may have occurred and that the alleged individual/group may be responsible. Most cases will be referred to administrative hearings. Cases that are serious in nature, involve complicated facts, and/or involve students/groups with previous disciplinary violations may be forwarded to the Undergraduate Judicial Board (UJB) or the Greek Judicial Board (GJB) for resolution. (See “Sexual Misconduct” for adjudication of allegations of sexual misconduct.)

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

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

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

Resolution through Agreement

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

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

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

Disciplinary Hearing Types

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

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

ADMINISTRATIVE HEARINGS

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

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

Decisions made through this process may be appealed to the Appellate Board (see Appeals).

UNDERGRADUATE JUDICIAL BOARD HEARINGS

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

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

Accused Students

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

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

Advisors

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

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

Hearing Panels

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

(See "Sexual Misconduct" for hearing panel composition of these cases.)

An accused student may agree to a smaller panel or different student-to-faculty/staff ratio in the event that a full panel is not available. The accused student also may

challenge any panel member if there is a significant conflict of interest. Such a challenge must be made at least 24 hours prior to the hearing and will be granted only for sufficient cause.

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

Notice

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

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

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

Witnesses

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

The accused student/group may bring relevant material witnesses to speak on his/her/its behalf. The accused student/group should inform the judicial officer prior to the hearing of 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.

Two written character references may be submitted to a hearing panel before a hearing begins. An accused student also may request the attendance of any person who has submitted a written statement against him/her.

Procedure

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

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

Information to be Considered by the Panel

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

Outcome

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

(For an allegation of Sexual Misconduct, a finding of responsibility must be unanimous.)

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

Notification and Record of the Hearing Outcome

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

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

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

GREEK JUDICIAL BOARD HEARINGS

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

Advisors

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

Hearing Panels

Hearing panels charged with determining a verdict and/or sanctions shall consist of a majority of justices from the accused group's umbrella organization and justices of the other umbrella organizations whose total number shall be less than or equal to the number of justices from the accused umbrella organization (for example, if the accused group is an IFC chapter, the hearing panel may consist of three IFC justices, two NPC justices, and one NPHC/IGC justice). The hearing chair will be the accused group's

umbrella organization judicial chair. The chair will have voice, but not vote, unless there is a tie. Members of the accused chapter may not serve on the hearing panel. An accused group may agree to a smaller panel or to a different umbrella group ratio in the event that a full panel is not available. The accused group may also challenge any panel member if there is a significant conflict of interest. Such a challenge must be made to the chair at least 24 hours prior to the hearing and will be granted only for sufficient cause. In the event that the hearing chair's chapter is also the accused organization, the president from the representative umbrella organization will chair the hearing.

Notice

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

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

Witnesses

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

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

The accused group may bring relevant material witnesses to speak on its behalf and may submit two written character references. An accused group should inform the principal investigator(s) prior to the hearing of the names of any witnesses who it wishes to testify, and to what they will attest. The chair will determine the extent to which witnesses will be permitted in the hearing, including relevancy of questioning and information presented.

An accused group has the right to rebut any witness testimony presented against it, including written statements of witnesses unavailable to attend a hearing.

Information to be Considered by the Panel

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

Outcome

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

Upon finding a group responsible for a violation, the panel may determine and impose an appropriate sanction. Consideration may be given to the nature of and circumstances surrounding the violation, the group’s acceptance of responsibility, the group’s standing with its national organization, prior disciplinary violations for the previous three years, the impact of a sanction on the group, precedent cases, Greek community and university interests, and any other information deemed relevant by the hearing panel. All sanctions must be decided by majority vote with the exception of dissolution of a group. The hearing panel and chair must support dissolution unanimously.

Notification and Record of the Hearing

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

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

Sanctions

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

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

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

Expulsion

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

Degree Revocation

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

Suspension (Individual)

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

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

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

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

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

Suspension of Activity/Dissolution (Group)

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

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

Disciplinary Probation

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

Formal Warning

A formal written reprimand for violation of the specified policy(ies).

Admonition

A written notice indicating violation of the specified policy(ies). The resolution of this case will not become part of the student's disciplinary record (i.e., it will be treated as an informal resolution) unless there is a subsequent university policy violation.

Withdrawal of Privileges

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

Housing License Restrictions/Revocation

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

Exclusion

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

No Contact Order

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

Restitution

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

Fine

Payment to Duke University of a reasonable sum of money.

Community Service

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

Mental Health/Medical Assessment and/or Treatment

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

Educational Projects/Initiatives

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

Appeals

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

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

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

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

Disciplinary Records/Student Status

When students/groups are found responsible for a violation of university policy through an administrative, UJB, or GJB hearing, or accept responsibility through an agreement, the case will be recorded on a student/group's disciplinary record. (See

“Admonition” under “Sanctions” for recording of these resolutions.) The record will be maintained by the Office of Judicial Affairs and kept in accordance with FERPA. Individual disciplinary records are kept on file for 8 years from the date of a student’s matriculation, except in cases resulting in suspension or expulsion, in which disciplinary records are kept indefinitely.

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

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

Failure to Comply with the Requirements of the Disciplinary Process

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

Disciplinary Hold

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

Disciplinary Action While Civil/Criminal Charges Pending

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

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

University disciplinary action will normally proceed during the pendency of a criminal or civil action. A student may request, however, that the university disciplinary process be placed on hold until criminal actions are resolved. The judicial officer or designee will decide whether this request will be granted. In such a case, interim restrictions may be imposed. If resolution of a criminal case is protracted, the judicial officer or designee may decide to proceed with the disciplinary process.

Residence Life



Residence Life

Duke University adheres to the premise that the on-campus residential experience is an important part of undergraduate life and education. The university has long been committed to an active and meaningful residential life for its undergraduate students. With most undergraduates living on campus, Duke fully understands that the residential experience is an integral part of its students' education.

To respond to the developmental needs of students, Duke continually reviews its residential offerings. As part of these efforts, the university established East Campus as the residential area for all first-year students in 1995. This change has resulted in significantly closer bonds of fellowship and understanding among our students as they begin their Duke experience. In 2002, to build upon the community developed on East Campus, the university identified West Campus as the residential experience for all second-year students to continue connections initiated during the first year.

To offer students an outstanding residential experience, we have been committed to constructing new residential communities to appropriately house our students. Bell Tower, our newest residence hall on East Campus, houses 138 first-year students. This addition to East Campus helps, in part, to accommodate growth in the Pratt School of Engineering. On West Campus, Keohane Quad was completed in 2002. This community has been enthusiastically embraced by students and is one of the most desired residences for upperclass students. Plans are currently being developed to create a new, master-planned Central Campus that will more strongly serve the needs of juniors and seniors.

With this plan in mind, all students are required—to the extent that housing is available—to live on campus for the first three years. First-year students are housed in residence halls on East Campus, while sophomores live in residence halls on West Campus. Juniors and seniors live in either the residence halls on West Campus or in apartments on Central Campus. We will continue to apply semesters spent in “study away” programs toward the three-year residency requirement.

Our long-term goal is to provide housing on campus for all students during their first three years and for any senior who wishes to remain on campus. However, new construction and renovations may result in a temporary shortfall in housing availability. In some cases we may modify the three-year residency requirement, resulting in some juniors as well as some seniors living off campus. In addition, during the new construction and renovation process the university may temporarily suspend the four-year housing guarantee for seniors. We look forward ultimately to providing housing to any seniors who wish to remain on campus.

First-Year Student Residence Halls. First-year students reside in all- first-year student houses, located on East Campus. All residence halls on East Campus are co-ed. Housing assignments are made by random lottery to one of the 14 student residences. Single, double and triple rooms are available for assignment.

Upperclass Residence Halls. Upperclass students (sophomores, juniors, and seniors) live in co-ed residence halls on West Campus. The residence halls are organized as six residential quads. Each quad includes space dedicated to students who are either unaffiliated or affiliated with selective living groups. The majority of the bed space in each quad is available for selection by unaffiliated students through a lottery process. Selective living groups determine their own membership and room assignments. Selective living groups include fraternities, academically sponsored theme groups (Languages, Arts, Round Table, and Anne Firor Scott Women's Studies), and a number of other social selective living groups. Three living-learning communities (Baldwin Scholars, Wellness, and Leadership and Civic Engagement) also exist in the upperclass halls. These communities are facilitated by faculty and staff, and assignment is based on an application process. With the exception of Edens and Keohane Quads, upperclass residence halls feature triple rooms, in addition to single and double rooms.

Central Campus Apartments. University-owned one-, two-, and three-bedroom apartments on Central Campus accommodate approximately 850 undergraduate students. The remainder of the complex houses a cross-section of graduate students from various schools and colleges of the university. Apartments on Central Campus comprise part of the bed allocation for unaffiliated junior and senior students.

Living Off Campus. Students may choose to live off campus at the completion of the junior year. Students who wish to live off campus must notify Residence Life and Housing Services (RLHS) in writing of their plans by the published deadlines. Students choosing to live off campus should be aware that they will be subject to all city ordinances, particularly those related to occupancy, noise, parking, and litter.

THE HOUSING LICENSE

Prior to occupancy of space in a university residence hall or Central Campus Apartment, each student must sign a Housing License and have it accepted by and on file with RLHS. The purpose of the terms of the Housing License is to establish certain understandings among students who reside in Duke University's residential areas, and between these students and the university, with regard to use of residential facilities. The terms are an integral part of the license and are enforceable as a covenants and conditions license. Any violation of the terms, especially the terms affecting rights, order, health, and safety, may lead to the revocation of this license and/or other disciplinary action.

Eligibility

On-campus rooms/apartments are available for assignment to full-time Duke University students who are working towards a degree. Residential facilities are available to undergraduate students who have been in continuous residence since their matriculation as first-year students as well as to students returning from leaves of absence or off campus, with appropriate notice to Residence Life and Housing Services.

While every undergraduate who matriculates as a first-year student is guaranteed four years of university housing provided he/she remains a full-time student, he/she may live in university housing for no more than eight semesters. Students who enroll in graduate or professional programs prior to receiving the undergraduate degree (such as “three/two” programs) are not eligible for undergraduate housing during their fifth year.

Release/Termination

An undergraduate student who is seeking release from a residence hall or Central Campus license must notify Residence Life and Housing Services in writing.

Students who withdraw from school, take a leave of absence, or otherwise terminate their housing license must vacate the room and return their room/apartment key within forty-eight (48) hours from the date of such withdrawal, leave, or move, or the official move-out date at the end of the semester, whichever comes first.

Revocation of the Housing License

Residence hall occupancy should be understood as a privilege maintained under certain standards. This includes abiding by the terms of the Housing License, university and RLHS policies, as well as upholding general standards of honesty, trustworthiness, fairness, and respect for others.

Terms of the Housing License are designed to protect the health and safety of students and to provide for the comfort and privacy of students who have contracted to occupy university housing. Any conduct that reflects a serious disregard for the rights, health, safety, and security of other occupants of university housing will be reason for revocation of this license and/or disciplinary action. Such conduct includes, but is not limited to, creating conditions that jeopardize the safety and well-being of others, tampering with fire and security equipment, use/possession of firearms, weapons and/or explosives (including fireworks), damage to a residential facility, or conduct which is detrimental to the residential community. In addition to violators of specific Housing License terms, a student who has been a repeated violator of housing terms and/or university regulations or who has shown blatant disregard for others is subject to eviction and Housing License revocation.

Generally, violations of the Housing License or university policy will be handled through residence life staff and/or the university’s disciplinary process. However, in extreme instances, the dean of residential life and executive director of housing services or the dean of students (or their respective designee) may administratively revoke or suspend a student’s housing license upon a determination that the continued residence of the student is detrimental to the residential community. Appeals from administrative revocations/suspensions may be made to the vice president for Student Affairs.

Residential Rules and Regulations

All residential students are bound by the terms of the housing license, residential policies articulated in the *Residence Hall Guide* or the *Central Campus Apartment Guide*, the RLHS Web site (<http://rlhs.studentaffairs.duke.edu/resources/index>), and university regulations contained in the *Bulletin of Information & Regulations*.

In its residential policies and procedures, Duke University seeks to foster a climate of responsibility, initiative, and creativity on the part of individuals and living groups. A successful residential community is one in which students take pride in their physical surroundings and assume active responsibility for the maintenance of acceptable standards of behavior in their living areas. **Both individuals and living groups may be held accountable for the actions of individual members and their guests.**

While students are entitled to a general expectation of privacy within the confines of their own individual rooms (although extraordinary and compelling circumstances may occasionally require that this expectation be institutionally suspended), the university will

not regard either students' immediate living quarters or their commons areas as privileged sanctuaries where students may act with impunity or without regard to standards of honesty, trustworthiness, fairness, and respect for other members of the university community. Moreover, occupancy of an individual room or of a residence hall does not confer any proprietary interest or right of ownership on the part of an individual student or living group. The student and the living group are both properly viewed not as *owners* but as *custodians* of that living space which has been assigned to them. Inherent in this custodial relationship is the right of the university to promulgate criteria governing the circumstances under which this relationship may be entered into, may be maintained in good standing, or may be terminated.

Benches

Design. The specific design, including sketches noting dimensions, and desired location of a bench in a quad must be submitted in writing to the residence coordinator of that quad or neighborhood at least three (3) weeks prior to the desired construction date. Approval for a bench must be received from the residence coordinator prior to construction. The maximum dimensions of the bench include: 12' in length, 5' in height from the ground, and 6' in depth. Pre-approved bench plans are available upon request.

Note: Due to potential health hazards and adverse impact to the environment associated with burning of pressure treated or chemically treated wood, it is required that benches that may be used in celebratory bonfires not be built from these materials. Untreated wood, which is properly sealed and painted, will last for quite some time if it is not buried in the ground and is exposed only to the weather.

Placement. Only approved living groups and houses/quads may place benches on university property. Benches will be permitted only in the area immediately adjacent to a particular residence unit, as approved in advance by the residence coordinator. Benches constructed by selected living groups or residential fraternities assigned to Few, Craven, Crowell or Kilgo quads will be permitted only in the inner courtyard area adjacent to the residential area of the group. Only quad councils, with the approval of the residence coordinator, can construct benches for the main quad area.

Benches may not be chained or otherwise permanently affixed to their location.

Maintenance. Living group benches are intended to serve as locations for relaxed social interaction. House residents are expected to maintain them in good order, routinely making certain that damaged wood is replaced and fresh paint is applied as needed.

Relocation. Living group benches may have to be moved temporarily (e.g., for special events or summer programming). Every effort will be made to retain the integrity of the bench if it is necessary to move it; however, the university will not be responsible for repairing benches as a result of a move. Otherwise, removal of benches from their designated locations is not permitted. Such action only serves to lessen their structural integrity and places the health and safety of those moving these heavy objects in serious jeopardy. Additionally, benches placed in unauthorized areas disrupt the normal use of public areas and unreasonably divert university employees from their assigned duties for the retrieval or removal of these structures. Individual residents, and potentially their living groups as well, will be subject to disciplinary action if they are identified as being responsible for moving benches. Each group has an obligation to deter its members and residents from tampering with the property of other groups, for a living group can be held accountable for the action of its individual members.

Disciplinary measures taken against students identified as participating in the relocation of house benches may include, but are not limited to, having their housing licenses placed in imminent jeopardy of revocation, being placed on disciplinary probation, and being assessed repair/replacement costs, should a bench be damaged. A living group found responsible as a cohesive unit may have its bench dismantled, and

denial of the privilege to build a new bench may extend for a period of time not to exceed one calendar year. Should a living group be found responsible for the damage or destruction of another living group's property, the offending groups should anticipate loss of its bench and responsibility for the requisite replacement of the property it damaged or destroyed, and possible loss of selective living group status.

Furniture

University-owned furniture must remain in the student's room. Personally owned furniture may be added to student rooms/apartments provided all residents of that room/apartment consent and the furniture is removed by the residents at the end of occupancy. Costs for removing any remaining personal furniture will be charged to the residents.

Waterbeds are prohibited.

Each residential space is equipped with furniture by RLHS. The resident(s) of a room/apartment will be charged for any damaged furniture and furniture missing from their space.

Students are collectively responsible for care of public areas including furnishings and equipment. Commons furniture owned by RLHS may not be removed from its intended location. Anyone doing so may be subject to disciplinary action for theft. Commons furniture found in bedrooms may be removed by university personnel at the expense of the occupant(s).

Guests

Students may have overnight guests for reasonable periods of time, typically not to exceed a 72-hour time period, contingent upon the advance approval of his/her roommate(s). However, continued use of a residence hall room or Central Campus Apartment by person or persons other than those to whom the room or apartment is assigned is prohibited.

Overnight guests may not be entertained during final examination periods.

RLHS reserves the right to require a guest to leave if university policies and/or residence hall policies are not obeyed or if complaints are received from members of the residential community. Violation of any of these policies may lead to nonresidents being charged with trespassing and residents (both guest and host) having their housing licenses revoked.

Students are responsible for the conduct of their guests. Any violation of RLHS/university rules and regulations by a guest, whether the host student is present or not, shall constitute a violation of the same by the hosting student.

Pets

Fish are allowed provided they are kept in an aquarium no larger than 25 gallons, the container is cleaned regularly, and no illegal species are kept. With the exception of medically required dogs, no other animals are permitted in the residence halls. If it is reported that you have brought an animal into the residence halls, you will receive a letter requesting you remove the animal immediately and sign a statement that you have done so and will never again allow an animal to be brought into the residence halls. If you do not remove the animal and sign the statement, or if an animal is again reported to have been taken into the residence halls, you will be referred to RLHS or to the Office of Judicial Affairs for disciplinary action.

Each resident of a room is held equally responsible. If your roommate or a guest brings an animal into the residence halls and you do not report the violation, you will be subject to the above procedure. If an animal enters your room you will be charged for the pest control treatment, which is done to protect the future residents from fleas or other vermin. When you vacate your room you will be charged for cleaning (if needed) and damages. The charges resulting from animals can be very expensive.

Propping Doors Open

Propping open residence hall entrance and/or bathroom doors or in any way tampering with the security system of the residence hall violates hall security and is prohibited.

Windows

Throwing or in any other way propelling objects or liquids from windows is prohibited. Screens must remain in place and secured at all times.

HOUSING POLICIES FOR SELECTIVE LIVING GROUPS AND THEIR MEMBERS

Selective living provides students the opportunity to form residential communities based upon common values, interests, and goals. With this opportunity come certain responsibilities. For a complete account of the guidelines and policies for selective living groups and their members, visit the RLHS Web site at <http://rlhs.studentaffairs.duke.edu/communities/selectiveliving/Expectations.html> and read the appropriate section of the posted Residence Hall Guide. Selected policies appear below.

Commons Room Space

Living groups at Duke University may be afforded the privilege of dedicated common space for social, educational, and recreational purposes. Given that many Duke-recognized organizations are in need of space in which members can come together to conduct business and celebrate accomplishments, living groups are encouraged to allow other university-recognized organizations to reserve its common space with the understanding that the group to which the space officially has been assigned bears ultimate responsibility for any damage to the facility by the user. No rental fees may be charged by a living group to another organization requesting use of the living group's common space. A living group should be aware that any event host requesting the use of its common space is required to register the event in accordance with established guidelines published by RLHS and the Office of Student Activities and Facilities. If the event is approved, the registration form includes an acceptance of responsibility by the event host for any damage committed to the facility stemming from the host group's event. If a living group has reservations concerning a specific request for the use of its common space, it may exercise its right to deny the request.

Accountability For Community Expectations

All living groups are responsible for maintaining standards established by Duke University. Selective living groups have a special obligation to take proactive measures to ensure that individual members conduct themselves in a mature, respectful manner. Being afforded the opportunity to select those persons who will live within a particular living group is a privilege, not a right.

In situations where the actions of group members negatively impact the Duke community, RLHS or the Dean of Students Office may respond immediately, which could include administrative intervention and/or disciplinary action. Administrative decisions may be appealed to the vice president for Student Affairs. Please refer to the policies and procedures under the undergraduate disciplinary system for information regarding disciplinary decisions.

It is important for living groups, as well as for any university-recognized cohesive units or guests, to understand that they can be held accountable for the actions of individual members and guests. This is a significant responsibility, and in cases where a hearing officer or hearing panel is seeking to determine if group responsibility exists, the following questions may be considered:

- How many members were involved? Should individuals be charged instead of, or in addition to, the group?
- Were group funds used to support the activity?
- Did the group promote the activity in any way? Was it announced at meetings or advertised to group members?
- Was the group/group leadership aware of the activity? If not, should the group's leadership have been aware of the activity or of the potential for the activity to occur? If members of the group should have anticipated or were certain of a particular activity, should steps have been taken to prevent it, or could the leadership have intervened to halt the activity?
- Could one reasonably conclude that the group was supportive of the activity?

These questions should serve to guide groups and their elected officers as they make decisions, particularly when they are planning to host social events for themselves and/or guests. Groups found in violation of university policy may be subject to sanctions including, but not limited to, formal warning, disciplinary probation, social suspension, dissolution, restitution charges, community service hours, and/or a requirement to present educational programs.

Damages And Cleaning - Care of Residence Hall and Adjacent Areas

All groups are responsible for damages and cleaning beyond the normal amount that should be required within their residential areas including the grounds adjacent to their residence halls. Behavior requiring extraordinary cleaning may be subject to disciplinary action and financial charges.

Cleaning Closet

Cleaning supplies closets are designated for student use. Members of a group have 24-hour access to and responsibility for the cleaning equipment provided by RLHS. Each closet contains a mop, mop bucket, broom, dustpan, soap, toilet tissue, Barf Clean, toilet plunger, and trash bags.

Excessive Cleaning

Immediately after any event groups are expected to pick up all trash and place it in appropriate containers, and thoroughly clean affected areas inside and around the residence hall. To avoid or minimize financial charges and disciplinary action for excessive cleaning, clean up should occur immediately after events so that housekeeping can remove the collected trash when they begin work at 7 AM.

Excessive cleaning is generally defined as clean-up of (1) any uncollected trash, (2) conditions that present hazards to people, furnishings, or buildings, such as broken glass, standing liquids, flammable trash and health hazards, and/or (3) other conditions that require unusual effort, such as removal of eggs, shaving cream, etc. Inasmuch as housekeeping time spent on extraordinary clean-up is time spent away from the normal duties of keeping the buildings clean, groups will be charged accordingly. Extraordinary clean-up may be deferred until such time as normal housekeeping tasks are complete. Extra trash containers are available from the Facilities Management Department by contacting 660-4283 at least two days prior to an event.

Damages

Living groups will be billed for damage beyond normal wear and tear to buildings, building equipment (including plumbing), and furniture (including missing furniture).

Living groups similarly will be responsible for damage to public areas, equipment, and furnishings, buildings, sidewalks, shrubbery, and lawns. Specific living groups and/or individuals may be referred to the Office of Judicial Affairs for disciplinary action. If

living groups are found responsible for damages, sanctions may include a requirement to make full restitution.

Damage/Excessive Cleaning Reports

RLHS will identify excessive cleaning situations (e.g., if the commons room normally takes 1/2-hour to clean, the cleaning will be deemed excessive if it takes more than the 1/2-hour on a given day).

Depending on the circumstances, the supervising residential dean or designee may resolve the matter directly, or refer the matter for further action.

Police/Incident Reports

Police reports and incident reports will be forwarded to the Residence Coordinator (RC), supervising residential dean, and/or the Office of Judicial Affairs for further investigation.

Specific Behaviors, Damages and Excessive Cleaning and Typical Responses

The following list is by no means all-inclusive. Every situation will be viewed on a case-by-case basis in order to allow RLHS and/or the Office of Judicial Affairs to use discretion in determining whether damages are minor or major, whether or not the individuals or groups are cooperative, whether there is a long/short time between incidents or a pattern to this behavior, and whether there are other factors (mitigating or aggravating) that should be taken into consideration.

Level I. Broken window panel, tissue paper dispenser, towel bar, ceiling tiles, doorknob; damaged/missing furniture (chair, table, etc.); excessive cleaning (minor - minimal amounts of liquid on the floor, cans on the floor, pizza boxes, broken bottles etc.).

Typical Response: Investigation by the RC or supervising residential dean; invitation to meet with assistant dean/RC/RA to talk about preventative measures; restitution.

Level II. Broken toilets, bathroom stalls; holes in the wall; damaged/missing furniture (multiple chairs/tables, sofas, etc.); excessive cleaning (major - vomit on the floor, feces/urination anywhere other than in the toilet, area looks like a tornado hit, etc.); and/or prior Level I response.

Typical Response: Investigation by the supervising residential dean or RC; formal warning and/or referral for disciplinary action; restitution.

Level III. Shocking and outrageous scene (multiple Level I/II damages at one time); fire safety violations; prior Level II history; group is already on probation or some other judicial status/notice.

Typical Response: Referral for disciplinary investigation; the commons room may be closed by the supervising residential dean, RC, or the Dean of Students Office while the investigation is pending.

Level IV. Prior Level III history; group is on a social suspension or in contempt of a prior disciplinary directive.

Typical Response: Commons room is closed; referral for disciplinary investigation; all group activity may be suspended while the investigation is pending.

Individual vs. Group Responsibility

During a group event, registered or non-registered, the group will generally be responsible (disciplinarily and financially) for damages, cleaning, alcohol policy violations, etc. The group is required to assist in the investigation. An individual may take responsibility, which may absolve or reduce the responsibility of the group. If no one comes forward and no one is identified during the investigation, the group will be responsible.

Damages and Excessive Cleaning Charges Records

Damages and excessive cleaning will generally be tallied on a yearly basis. Groups are encouraged and expected to keep documentation of any formal interaction and implement a clearly defined system of passing on that information to new leaders. For selective living groups, a pattern of behavior will result in increasingly severe consequences.

Range of Penalties

RLHS or the Office of Judicial Affairs may take an immediate administrative action such as closing a commons room, canceling a party, removing privileges, etc.

A hearing officer or disciplinary hearing panel (through a conduct meeting with RLHS or an administrative/Undergraduate Judicial Board/Greek Judicial Board hearing with the Office of Judicial Affairs) can impose sanctions including, but not limited to formal warning, community service, requiring educational programming initiatives, probation, social suspension, and/or dissolution.

What To Do Upon Discovering Vandalism, Messes, or Damages in Your Living Area

Vandalism: Contact the RA/GR/RC, or DUPD.

Cleaning: A group has the responsibility of assessing the section prior to the arrival of the housekeeper and cleaning up after themselves.

Damages: Call the service office (leave a message if after hours), call the RC (leave a message if after hours), and notify RA. If (a) responsible individual(s) is (are) identified, it is that individual's responsibility, as well as the group's responsibility, to notify the RA or RC.

What can YOU do to avoid problems?

Get to know your facility manager and housekeeping supervisors; they are generally willing to provide you with extra supplies if you need them.

Designate a "house manager" who will maintain contact with the facility manager and the service office. The house manager should notify the service office when there are facility problems in the residence hall (e.g., leaky faucet, faulty card reader, broken/cracked floor or ceiling tile, loose paper dispenser, loose hinges on the doors or door knobs, etc.). Anyone observing a problem should immediately notify the service office. Document when the problem was first discovered and when the house notified the service office.

Get to know your RA/GR/RC and neighbors; always let these people know when you plan to have a party. Ask your neighbors beforehand what their plans are and either plan for an event together or do things on separate nights. You do not want to end up with the problems that come with having a party next door at the same time.

Have a plan when you host a party.

- Check your cleaning supply closet a few days ahead of time.
- Do you have extra trash bags, Barf Clean, a mop, and any other supplies that could help you avoid leaving a mess for the housekeeper?
- Who are the monitors and what are each of their responsibilities? (There must be designated people to check for beer bottles, damages, messes, overly intoxicated individuals, troublemakers, etc. throughout the party).
- Who will make sure the section is cleaned up?
- Who will double-check after the party to make sure there were no damages during the party?

- You should always have members on every floor throughout the party to ensure that people with ill intent do not cause problems without your knowledge.

Make sure ALL your members are aware of university policies and regulations, particularly related to alcohol, damages, and the fact that actions of individual members may be the group's responsibility.

Privacy of Student Rooms and Apartments

Students who reside in university residences have a reasonable expectation for privacy of their rooms and apartments and freedom from admission into or search of their rooms or apartments by any unauthorized persons; however, the university is obligated to maintain reasonable awareness of its residential areas to promote an environment consistent with the aims of an academic community. To foster these conditions the following regulations are in effect:

- The university unconditionally retains the right to enter the premises without the resident being present to carry out maintenance tasks, to conduct inspections regarding availability of space, and to respond to emergency situations or any equipment failure which is causing damage or hazard to property or persons.
 - Maintenance personnel may enter assigned rooms or apartments at reasonable hours for the purpose of carrying out their assigned tasks and functions. Residence Life and Housing Services personnel will attempt to inspect the maintenance work done within twelve (12) working days to validate satisfactory completion of such work. Prior notice, when feasible, shall be posted on the residence hall bulletin board stating what dates rooms will be entered.
 - Sanitary or safety inspections may be conducted by government officials without notice in accordance with the General Statutes of North Carolina and city and county ordinances.
 - University officials will make inspection of rooms when the residence halls are officially closed during winter recess to ensure that no fire or other hazards exist. Hazardous items will be removed and the student(s) involved will be notified when the buildings are officially opened.
 - Personnel entering residential space may report on the condition of university facilities and equipment, on violations of the Housing License or other university regulations, or on situations that jeopardize the overall health and safety of the residential community. After entering, all personnel shall leave written notice stating the purpose for entering. Upon receipt of this notice the occupant(s) may contact the area service office to discuss the entry. Written notices will advise the occupant(s) that subsequent investigation or repair may henceforth occur at any time during the normal RLHS or maintenance personnel workweek.
 - Reports made as a result of inspections related to physical facilities and/or furnishings will be handled by RLHS.
- No person, with the exception of those listed in the section above, shall enter assigned rooms or apartments except under the following conditions:
 - consent of the occupant(s);
 - presentation of a properly drawn legal search warrant;
 - authorization from the Office of Judicial Affairs specifying the reasons for an administrative search, the objects sought, and the area

to be searched (authorization must be in writing unless the need to search is imminent and the writing would delay the search such that the reasons supporting a search may be jeopardized);

- emergency situations or immediate threat to preservation of the building and the safety of occupant(s) of the room/apartment and/or the residential population; or
 - university officials who have reasonable suspicion that criminal activity is occurring behind closed doors and no response is rendered by occupants (e.g., illegal use of drugs).
- With proper authority to enter a residential space, action may be taken in response to items found in “plain view” or items reasonably discovered while conducting a search.

Event Guidelines and Registration



Event Rules and Registration

General Provisions

- An “event” is defined as a program/activity that is specifically and intentionally designed to bring members of the university community together on the university campus for a common purpose. This includes activities for which individuals do not need the express invitation of the host to attend, or at which a reasonable person would feel comfortable attending without an invitation. Note: As a rule of thumb, when in doubt please register your program/activity with the Office of Student Activities and Facilities.
- The Alcohol Policy shall govern events in public spaces at which alcohol is present.
- Each year, all student organizations at Duke University must complete the renewal process by completing the online form at <http://osaf.studentaffairs.duke.edu> and attend officer training programs sponsored by the Office of Student Activities and Facilities in order to maintain their status as an official group and the privileges associated with that status. These privileges include use of Duke University facilities and office space allocated to student organizations, use of the name of Duke University in activities and advertisements, ability to sponsor events on Duke’s campus that are open to the general public, use of OSAF services, use of Web space and technological services such as listservs, and ability to request funds from the Programming Fund. OSAF services include event registration, tabling, inclusion in the online Student Organization Directory on the OSAF Web site (which is used by many university departments to determine if an organization may have access to their services and facilities), all financial accounting services, reservations of OSAF-managed spaces, and the Student Activities Fair. Representatives must recognize that they are responsible for disseminating current information concerning the use of alcohol and existing state and university regulations concerning its use to members of their organization.
- Sponsoring groups are responsible for the space in which the event is held, including the area immediately adjacent to their space (i.e., outside area, benches, etc.).

- Sponsoring groups and living groups are responsible for the general tone of their events (i.e., proper planning, trash removal, appropriate conduct, discouraging underage drinking, etc.), and they may choose to adopt regulations more limiting than the laws of the state and the provisions of this policy.
- Strippers may not be invited or paid to perform at events sponsored by individual students, residential living groups, or cohesive units.
- Guidelines and registration procedures are subject to change. Contact the Office of Student Activities and Facilities at 684-4741 or <http://osaf.studentaffairs.duke.edu> for the most current policies and procedures.

Registration Policy

- Events must be registered if **ANY** of the following occur:
 - Alcohol is present (i.e., distribution and BYOB events).
 - Sound amplification is placed or directed outside.
 - Event is publicized (e.g., advertised by commercial ads, banners, posters, flyers, written invitations, e-mail, Web sites, Facebook, etc.).
 - Event involves a theme, decorations, contracts, or live entertainment.
 - Sponsoring group is using a facility other than the facility in which the group resides.
 - Event is on a quad or other outdoor venue.
- Events have a four-hour time limit.
- Any event advertisement may not use alcohol as the focus of the event nor may it encourage excessive drinking. It may, however, reference alcohol in order to inform others of the type of event being hosted (i.e., BYOB, distribution, dry). ***Publicity on East Campus or targeted to first-year students may NOT include a reference to alcohol.***

Events must be registered with the Office of Student Activities and Facilities located in 101 Bryan Center, West Campus. Registration forms must be completed and approved by an OSAF advisor at least 7 days prior to the event. For larger events, and/or events involving contracted performers, registration four to six weeks in advance is highly recommended. Call 684-4741 or contact OSAF through its Web site (<http://osaf.studentaffairs.duke.edu>) for more information.

Duke Police, in consultation with OSAF, will determine whether the group sponsoring a registered event will be required to have police officer(s) monitor the event.

All contracts with performers, promoters, promotion companies, etc., must be approved and signed by OSAF. Students are prohibited from signing contracts.

PROMOTION OF EVENTS WITH ALCOHOL

By choosing to serve beverages containing alcohol as part of a social function, you and your group or organization assume responsibilities beyond direct university regulation.

Test cases involving common law precedents and the dispensation of alcoholic beverages are changing the definition of who is liable for a drinker's actions to include the general category of "social hosts." A social host may be a fraternity, a residence hall organization, a private citizen, or any combination of the preceding.

For example, serving alcohol to a minor who subsequently breaks his leg could render an individual or group liable for the minor's medical bills. Serving an individual who is "already" or "obviously" drunk and who subsequently has an automobile accident could render an individual or group liable for the injury or death of third party victims of the accident, or any property damage resulting from the accidents.

In general, creating or promoting any set of circumstances that encourages your guests to consume alcohol to the point of intoxication can have far-reaching negative consequences.

Legal proof of negligence in the dispensation of alcohol usually involves the consideration of wide variety of factors, including the manner in which hosts promote social functions where alcohol is served.

In addition to the responsible monitoring of the social event itself, it is imperative that you and your group or organization do not promote your event in such a manner that a potential guest might reasonably believe your social event is an invitation to become intoxicated. **Specifically, flyers, banners, and signs that advertise social events where alcohol will be served must not overtly or covertly state or imply an invitation to participate in excessive drinking. Alcohol may not be referred to in any advertisements on East Campus.**

“THEME” PARTIES AND DECORATIONS

This policy applies to all Duke University facilities to include Campus, Medical Center, Hospital and Health System. All students, visitors, and employees must adhere to this policy when planning a theme party, event, meeting, or decorating any work area. If you have any questions as to whether your decorations fall within the limits allowed by this policy, please contact the Occupational and Environmental Safety Office-Fire Safety Division at 684-5609, 72 hours prior to the date of the actual event/party or placement of the decorations.

General Restrictions

- Fog and smoke machines may not be used inside facilities without written authorization of the OESO-Fire Safety Division.
- Animal(s), regardless of size or species, are strictly prohibited to attend or participate in any event, party, or meeting.
- Water, waterfalls, pools, spraying water, running water, or utilizing water in any way is strictly prohibited.
- Combustible natural decorations such as straw, hay, corn fodder, dried flowers, bamboo, and other similar decorations are prohibited as decoration inside facilities without written authorization from the OESO-Fire Safety Division.
- Combustible decorations shall be prohibited in all healthcare occupancies (Hospital, Duke Clinic, PDC, etc.) unless they are flame retardant. (Exception: Combustible decorations, such as photographs and paintings, in such limited quantities that a hazard of fire development or spread is not present).
- All doors (i.e. exit, smoke, fire, interior, exterior), hallways or any other means of egress may not be covered or blocked in any manner by decorations.
- Trash must not be allowed to accumulate, but collected in appropriate containers during the event and removed at the close of the event.

Electrical Safety and Holiday Lighting

- All electrical lights, electrical equipment, animated or electrical decorations must be UL listed.
- Manufacturer’s instruction and precautions shall be followed.
- Each living group or office should have an appointed representative to ensure that the electrical decorations are de-energized at the end of the day.
- Any light string with worn, frayed, broken cords, loose bulb connections, and empty sockets shall not be used.
- Use of holiday lights and light strings shall be limited to reduce overheating.
- Lights shall not have more than three strings of light connected to each other.

- The use of lights and wiring on metal Christmas trees (aluminum trees from the '50s & '60s as defined by the NC Department of Insurance) is prohibited. Fiber optic and pre-wired artificial trees are acceptable as long as they are UL listed.
- Only indoor lights will be used inside facilities.
- Light strings or electrical decorations shall be de-energized before replacing bulbs or fuses.
- Light strings must be mounted in a manner that will not damage the cord's insulation.
- Light strings should be plugged directly into an outlet or an electrical surge protector with built-in circuit breaker.

Holiday Decorations

General. All decorations (to include artificial greenery such as wreaths and holly) must be non-combustible, inherently flame resistant or treated with an approved fire retardant in accordance with the manufacturer's specifications that will pass NFPA 701 test. Decorative materials shall not exceed 10% of the aggregate of wall and ceilings.

All combustible party decorations shall be removed from the area immediately following the event.

Exception: During the holiday season decorations shall be removed no later than December 30th. Residence halls shall have all decorations removed no later than the closing of the residence halls by Residence Life and Housing Services.

Live Greenery and Christmas Trees. Live greenery, such as Christmas trees, pine wreaths and holly, are prohibited inside the hospital, medical center facilities, and residence halls. In addition, live greenery is prohibited in assembly areas, education facilities, schools, day cares, stores, businesses, residence halls, and hotels unless the building is protected throughout with an approved automatic sprinkler system.

Artificial greenery may be utilized if it meets the general and electrical requirements as listed above.

Where Christmas trees and live greenery are allowed by code, they must adhere to the following:

- Only one tree will be purchased for each department or group and the tree will be located in a common area, reception area or lounge.
- All trees shall be prepared by sawing off the trunk of the tree at an angle at least one-half inch or more above the original cut and spraying the tree with an approved fire retardant in accordance with the manufacturer's specifications as required by NC State Building Code.
- The tree will be placed within a tree holder/stand capable of containing water to prevent drying. The stand will be checked daily to assure the water level is adequate.
- Live greenery shall not be placed near any heat sources (direct or radiant).
- Smoking or open flames shall be prohibited near live greenery.
- The tree shall be removed from the facility whenever the needles or leaves fall off readily when a tree branch is shaken or if the needles are brittle and break when bent between the thumb and the index finger.

Candle Safety

Candles or other open flames are strictly forbidden for use inside all university facilities. The only exception to this policy is the use of candles during recognized religious ceremonies. Those individuals wishing to utilize candles in observance of a religious holiday shall first contact OESO-Fire Safety Division to obtain information concerning fire prevention. If the Fire Safety Division has approved the use of a candle(s), basic safety guidelines should be followed (e.g., do not leave a lighted candle unattended,

keep area around candle free of combustible materials, place candle in a fire-resistant holder on a stable surface).

CLASSROOM RESERVATIONS

Students may reserve classrooms for meetings of organizations recognized by the university on a one-time or semester basis by completing the Classroom Reservation Request Form available on the Student Service Center Web site at <http://www.duke.edu/studentsservicecenter/>. An officer of the organization must reserve rooms and groups will be expected to abide by the terms outlined in the classroom reservation confirmation. Students must submit requests to reserve classrooms no later than three business days in advance of their meeting/event.

COMMON ROOM RESERVATIONS (see *Residence Life*)

QUADRANGLE SPACE RESERVATIONS

Students will be required to reserve quads directly with Residence Life and Housing Services after registering the event at the Office of Student Activities and Facilities. Only in rare circumstances will the Chapel, academic, or main residential quadrangle areas be made available for events. The Chapel must also approve events in the immediate vicinity of the Chapel by calling 684-2572. Students will be required to reserve quads directly with Residence Life and Housing Services after registering the event at the Office of Student Activities and Facilities.

CONFERENCES AND CONVENTIONS

Invitations to individuals or to organizations outside the university to hold conferences or conventions on campus must be discussed with and approved by the Office of Student Activities and Facilities well in advance of the extension of the invitation by the prospective host or host group at Duke. It is the established policy of the university not to use its residence hall facilities for the housing of convention guests during the academic year. The university does, however, reserve the right to use residence hall rooms for special guests during announced vacations.

FILMS/MOVIES SHOWN ON CAMPUS

If a student organization wishes to show a film/movie on campus they must secure the rights to show the film/movie. Some movies are available for free educational viewings, but most require the student organization to pay for any public screening. A public screening is defined as a screening in any area other than your personal residence. This includes commons rooms. Showing the movie for free does not excuse you from having to obtain the rights to show the film/movie. For assistance in obtaining the rights to show films/movies see an OSAF advisor.

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 undergraduate judicial 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 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 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*.

Filing of Charges; Responsibilities of Vice President for Student Affairs

- The Office of the 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 president for Student Affairs, whose signature to the charge or charges shall constitute sufficient evidence of such finding.
- To assist the vice president for Student Affairs in the investigation of complaints, the gathering of evidence, and the preparation of charges, investigative and judicial aides may be appointed by the vice president and shall serve at his/her pleasure and under his/her direction. The number and specific duties of such aides shall be determined by the vice president for Student Affairs, who shall be fully responsible for all duties performed by them in their capacity as aides.
- The vice president for Student Affairs shall subpoena witnesses as directed by the University Judicial Board.
- The vice president for Student Affairs may delegate all or any portion of his/her duties as regards these judicial procedures to an aide or aides. The vice president for Student Affairs 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 his/her 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 his/her 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 his/her 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.
- 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 his/her 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), his/her status shall not be changed, nor his/her 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 his/her conduct, that his/her 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 him/her 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 he/she requires additional time to prepare his/her case before the Hearing Committee, he/she 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.

Sanctions

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 he/she has violated the university rules or has 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. Dismissal or termination of appointment.
- Censure.
- Admonition.
- Restitution.
- Fines.

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 nonpunitive 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 his/her presence is required before the Hearing Committee.

Appendix B—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 must first contact the Office of Judicial Affairs in the Dean of Students Office 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 judicial 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 Judicial Affairs.

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 Judicial Affairs for record keeping. This resolution will not become part of the student's disciplinary record unless there is a second violation, at which time both cases will be noted on the student's disciplinary record.

Process

- The faculty member shall first contact the Office of Judicial Affairs in the Dean of Students Office to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations. The associate dean for Judicial Affairs may be reached at 684-6938.
- If the student has no record of prior offenses and the case appears to be one that, if adjudicated by a judicial 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 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. The form may be found on the Web site of the Academic Integrity Council at <http://www.integrity.duke.edu>.
- Upon receipt of the proposed resolution, the student has 48 hours to consider and seek advice on whether to admit responsibility and accept the resolution.
- If the student accepts the resolution, she/he should sign the resolution form in the presence of the faculty member. The faculty member should then forward a copy of the form to the Office of Judicial Affairs in the Dean of Students Office (Box 90893).
- If the student does not accept the proposed resolution, the faculty member should refer the case to the Office of Judicial Affairs.

Appendix C—Involuntary Administrative Withdrawal

Students who exhibit harmful, potentially harmful, or disruptive behavior toward themselves or others due to apparent medical or psychological distress, and who do not request a voluntary withdrawal, may be subject to involuntary administrative withdrawal from the university if their behavior renders them unable to effectively function in the university community. Such behavior includes, but is not limited to, that which:

- Poses a significant threat of danger and/or harm to self and/or other members of the university community; and/or
- Interferes with the lawful activities or basic rights of other students, university employees, or visitors.

Any member of the university community who has reason to believe that a student may meet the standard for an involuntary administrative withdrawal may contact the vice president for Student Affairs or his/her designee. The vice president or designee will conduct a preliminary review in consultation with professionals from Student Health and/or Counseling and Psychological Services, the student's academic dean, and/or other relevant individuals. The vice president or designee will meet, when possible, with the student in question to discuss the information that has been presented and give the student an opportunity to respond. The vice president or designee may mandate that the student be evaluated by a specified health professional within a given time frame if an evaluation has not already been conducted.

In the instances described above the vice president for Student Affairs or designee will make the final decision about involuntary administrative withdrawal. A written statement citing the reasons will be forwarded to the student's academic dean who will withdraw the student from the university.

At any point in the process the student may request a voluntary withdrawal through the procedures of Trinity College or the Pratt School of Engineering.

Appendix D—Fraternity and Sorority Recognition

Recognition is the formal process by which Duke University permits a fraternity or sorority to function on campus, conduct membership/intake activities, and be considered part of the university. For a fraternal organization to obtain recognition through the Office of Fraternity and Sorority Life (FSL), it must:

- Operate under a constitution and bylaws that have been approved by FSL and one of the recognized Greek Governing Councils: Interfraternity Council (IFC), Inter-Greek Council (IGC), National Pan-Hellenic Council (NPHC), Panhellenic Association (Panhel).
- Demonstrate sound financial standing.
- Be affiliated with an inter/national fraternity or sorority.
- Present an initial membership list of at least three (3) currently registered, degree-seeking students who are not on academic or disciplinary probation. (While Duke recognizes that some organizations share membership with other colleges and universities, this relationship must be approved by FSL.)
- Identify a person, who is not an undergraduate, to serve as the chapter advisor.
- Maintain general liability insurance with minimum limits of \$1,000,000 per occurrence, \$3,000,000 aggregate. A certificate of insurance evidencing current coverage must be provided to the Office of Fraternity and Sorority Life on an annual basis as a part of maintaining university recognition.

The university does not recognize local chapters unless the Office of Fraternity and Sorority Life grants special consideration through prior approval. If consideration is given, a group can be recognized by the university during a provisional period not to exceed 12 months. During this period, local chapters must actively seek recognition from an inter/national organization. If inter/national recognition is not acquired, university recognition will be revoked.

The Office of Fraternity & Sorority Life determines, with the input of the appropriate Greek governing council and/or Greek Judicial Board, the status of recognized fraternity and sorority chapters. If a chapter no longer meets any or all of the above-stated conditions for full recognition or, as a provisionally recognized group, is not making sufficient progress towards full recognition, then full or provisional recognition may be withdrawn or the chapter may be placed on probation with suspended privileges. In addition, FSL and the governing councils support any sanctions given to chapters by their inter/national headquarters office.

The suspension of privileges may include, but is not limited to:

- Reservation and free usage of campus space.
- Participation in new member recruitment and intake activities.
- Ability to host/co-sponsor events on and off campus.
- Participation in community-wide events, education programs, intramural sports and service/philanthropy initiatives.
- Membership in one of the recognized Greek governing councils.

Fraternity and Sorority Membership Recruitment/Intake

Membership may be extended to students in the spring of their first year. Upperclass students may receive bids, or invitations to join recognized chapters, at any time.

Appendix E—Information and Resources Concerning Substance Use

Health Effects of Alcohol and Other Drugs

Psychoactive drugs are a class of drugs most frequently used socially or recreationally (and often illegally). These drugs act on the central nervous system (CNS), or more specifically the brain, creating altered states of consciousness. They may increase CNS activity (stimulants, such as cocaine, crack, amphetamines), decrease CNS activity (depressants, such as alcohol, barbiturates, tranquilizers), cause the creation of illusions (hallucinogens, such as LSD, peyote, mushrooms, PCP), or have a combined effect (marijuana). Every drug has multiple effects on the brain and the body. Addiction to any of these substances is a disease that affects the sufferer mentally, emotionally, physically, and spiritually. It can also have a profound effect on those closest to the addicted person.

Short Term or Acute Effects

Impaired judgment (violent behavior, physical injuries, accidents), unpredictable mood swings, acute psychotic episodes, risky sexual behaviors (unplanned pregnancy, impaired sexual response, sexually transmitted diseases), sexual assault, rape, hangovers, increased nervousness, tremors, shortness of breath, anxiety/panic reactions, reduced energy and stamina, digestive problems (nausea, vomiting, diarrhea, ulcer irritation), dehydration, halitosis, cardiovascular changes, seizures, loss of consciousness, death.

Long Term or Chronic Effects

- **Systemic Disorders.** Increased heart rate, increased or sudden decrease in blood pressure, hyperactivity, decreased oxygen in blood supply to the brain, decreased immune system function, AIDS or hepatitis from needle sharing, reverse tolerance, hemorrhage, delirium tremens (D.T.s) from acute withdrawal, death.
- **Brain/Central Nervous System Disorders.** Short-term memory loss, concentration difficulties, damaged nerve connections, disruption of “chemical messengers.”
- **Mental Health Disorders.** Sleep disorders, eating disorders, fatigue, acute or chronic depression, hallucinations, suicidal thoughts/actions, personality changes, delusional states, anxiety disorders, psychosis.
- **Digestive Disorders.** Ulcers in the mouth, diseases of the gums, inflammation of the esophagus, stomach, and pancreas, ulcers, cirrhosis, fatty liver disease, alcoholic hepatitis.
- **Respiratory System Disorders.** Painful nosebleeds, nasal erosion, tuberculosis, chronic lung diseases including emphysema and chronic bronchitis, exacerbation of sinus and asthma conditions, increased risk of lung cancer, decreased vital lung capacity.
- **Sexual/Reproductive Disorders.** Impotence, atrophy of testicles, impaired sperm production, absence of menstrual period, decrease in desire/arousal/performance, birth defects.
- **Endocrine/Nutrition/Metabolic Disorders.** Malnutrition, vitamin/mineral deficiencies, acute gout, obesity, diabetes, decreased testosterone levels in men, appetite disorders, weight gain or loss, impaired immune system.
- **Skin and Subcutaneous Tissue Disorders.** Skin infections, unsightly changes in the skin, dry skin, boils, skin abscesses, itching, increase in skin moles and benign skin tumors, spider angiomas, edema.
- **Pregnancy and Fetal Development.** Fetal Alcohol Syndrome, low birth weight babies, increased risk of miscarriage, stillbirth, increased risk of Sudden Infant

Death Syndrome, brain damage, congenital deformities, addiction in the newborn.

- Other Disorders. Prone to cross-addiction to other drugs including prescription medications, laxatives, analgesics, and caffeine. Additionally, chronic abusers have an increased incidence of fractures, sprains, burns, lacerations, bruises, concussions, and other traumas.

HELPING RESOURCES FOR ALCOHOL, DRUG AND TOBACCO CONCERNS

Emergency Phone Numbers:

- Duke Emergency Medical Service and/or Police: 911/919-684-2444. Alcohol-related emergencies can be difficult to assess. When in doubt, contact professionals.
- Student Health's 24-Hour Phone Number: 919-681-WELL/919-681-9355. Call immediately if there is any question of a student's safety, or the student has: (1) passed out, (2) vomited, (3) consumed a large amount of alcohol in a brief period of time, or (4) consumed alcohol in combination with other drugs.
- Duke Hospital Emergency Department: 911/919-684-2413. If an intoxicated student cannot be aroused, is breathing erratically or slowly, or appears to be in a life-threatening state, get the student to the Emergency Department. Duke Emergency Medical Service or Duke Police can assist in transporting students.
- 24-Hour Confidential Advice on alcohol or drug-related emergencies can be obtained through Holly Hill Hospital at 1-800-422-1840 or 1-800-447-1800.

Local Inpatient Treatment Facilities

Holly Hill Hospital	919-250-7000
3019 Falstaff Road	1-800-422-1840
Raleigh, NC 27610	1-800-447-1800

Local Outpatient Treatment Facilities

Duke Addictions Program Civitan Bldg., Duke University Medical Center Durham, NC 27710	919-684-3850
Holly Hill Hospital 3019 Falstaff Road Raleigh, NC 27610	919-250-7000 1-800-422-1840 1-800-447-1800

Individual Assessment and Counseling

- Counseling and Psychological Services (CAPS) (919-660-1000). CAPS offers evaluation, consultation, counseling, and referral for individuals with alcohol and other substance abuse issues. A substance abuse specialist is available for personal consultation and counseling for students who are concerned about themselves or others because of alcohol or drug use.
- Duke Addictions Program (919-684-3850). DAP offers evaluation, consultation, and treatment for individuals with alcohol and other substance abuse issues, as well as support services for family members. DAP also provides smoking cessation and nicotine addiction treatment.

Information and Education

- Counseling and Psychological Services (CAPS) (919-660-1000). A CAPS specialist in the area of alcohol and substance abuse is available to provide customized educational programs about alcohol and other drugs for student living groups and organizations.
- Healthy Devil (919-684-5610). The Healthy Devil offers a wide variety of information on alcohol, tobacco, other drugs, how to help a friend, healthy

decision-making and more. The office also provides videotapes, films, books, and assistance with educational programming for student living groups and organizations.

- North Carolina Alcohol and Other Drug Resource Center (919-493-2881). Offers an impressive array of free brochures on alcohol and other drugs, plus listings of area treatment and self-help resources, including information on AA, NA, AL-ANON, NAR- ANON, and other support group meeting places and times.
- Cocaine Anonymous (1-800-347-8998). An around-the-clock information and referral service, staffed by recovering cocaine addict counselors.
- C.S.A.P. (1-800-662-HELP; 1-800-662-9832 for information in Spanish). A 24-Hour hotline maintained by the Center of Substance Abuse Prevention offers confidential information and referral.
- N.C.A.D.I. (1-800-729-6686). The National Clearinghouse for Alcohol and Drug Information offers free print information on alcohol and other drugs. Other media may be available for rent or purchase.
- Cancer Information Service (1-800-422-6237). Free telephone smoking cessation counseling, materials, support, referrals. Information in Spanish when needed.
- American Lung Association (1-800-586-4872). Self-help materials available.

Support Groups

- Alcoholics Anonymous (AA) (919-286-9499 or 1-800-662-4357). AA offers emergency support for individuals with alcohol problems in addition to group meetings. Many have found the 12-step program to be crucial in their recovery. There are several AA meetings near campus and several in Chapel Hill with primarily college student membership. For more information, see <http://www.aanc32.org> or <http://www.chapelhill-carrboroaa.org>.
- Narcotic Anonymous (NA) (919-956-5900). Similar to Alcoholics Anonymous except focused on drug abuse/addiction issues. A variety of drugs are addressed, including marijuana and prescription medications.
- ACOA/AL-ANON (919-403-0687 or 1-888-4AL-ANON). ACOA and AL-ANON meetings are support groups for family members dealing with the impact of living with, or being close to an alcoholic. There are also ACOA/AL-ANON groups in Chapel Hill. The Alcohol-Drug Council of North Carolina is an information and referral service. (1-800-688-4232)

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance (from <http://www.edc.org/hec/pubs/dfscr.htm>)

21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After one (1) prior drug conviction: At least 15 days in prison, not to exceed two (2) years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- 1st conviction and the amount of crack possessed exceeds five (5) grams.
- 2nd crack conviction and the amount of crack possessed exceeds three (3) grams.
- 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year of imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies. *Note: These are only Federal penalties and sanctions. Additional State of North Carolina penalties and sanctions may apply.*

Effect on Financial Aid

Under the 2000 reauthorization of the Higher Education Act, eligibility for federal student aid is jeopardized for students convicted of a drug possession charge. For a first conviction, eligibility for aid may be suspended for one year; two years for a second; permanently for a third. Eligibility is restored once a student completes a drug rehabilitation program or has the conviction overturned.

North Carolina State Laws Regarding Alcohol and Drugs

For complete information regarding North Carolina state laws governing alcohol, consult the North Carolina General Statutes, Chapter 18B (available online at <http://www.ncleg.net/gascripts/Statutes/Statutes.asp>). Criminal penalties for a violation of these laws include a misdemeanor conviction, community service, possible loss of driver's license, and/or fines. Repeat violations incur greater penalties. Highlights of state statutes:

It is illegal for anyone less than 21 years of age to:

- Possess malt beverages, unfortified or fortified wine, spirituous liquor, or mixed beverages;
- Purchase or attempt to purchase malt beverages, unfortified or fortified wine, spirituous liquor, or mixed beverages.

It is illegal for anyone (regardless of age) to:

- Aid or abet another in the unlawful sale, purchase, or possession of malt beverages, unfortified or fortified wine, spirituous liquor, or mixed beverages;
- Fraudulently use identification in obtaining or attempting to obtain alcoholic beverages.

Federal Trafficking Penalties

The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

CSA	Penalty		Quantity	Drug	Quantity	Penalty	
	1 st Offense	2nd Offense				1st Offense	2nd Offense
Schedule I and II	<ul style="list-style-type: none"> • Not less than 5 years. Not more than 40 years. • If death or serious injury, not less than 20 years or more than life. • Fine of not more than \$2 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Not less than 10 years. Not more than life. • If death or serious injury, not less than 20 years or more than life. • Fine of not more than \$4 million individual, \$10 million other than individual. 	10-99 gm pure or 100-999gm mixture	Methamphetamine	100 gm or more pure or 1 kg or more mixture	<ul style="list-style-type: none"> • Not less than 10 years. Not more than life. • If death or serious injury, not less than 20 years or more than life. • Fine of not more than \$4 million individual, \$10 million other than individual. 	<ul style="list-style-type: none"> • Not less than 20 years. Not more than life. • If death or serious injury, not less than life. • Fine of not more than \$8 million individual, \$20 million other than individual.
			100-999 gm mixture	Heroin	1 kg or more mixture		
			500-4,999 gm mixture	Cocaine	5 kg or more mixture		
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
			10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture		
	Drug	Quantity	1st Offense		2nd Offense		
	Others	Any	<ul style="list-style-type: none"> • Not more than 20 years. • If death or serious injury, not less than 20 years, not more than life. • Fine of \$1 million individual, \$5 million not individual. 		<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, life. • Fine of \$2 million individual, \$10 million not individual. 		
III	All	Any	<ul style="list-style-type: none"> • Not more than 5 years. • Fine not more than \$250,000 individual, \$1 million not individual. 	<ul style="list-style-type: none"> • Not more than 10 years. • Fine not more than \$500,000 individual, \$2 million not individual. 			
IV	All	Any	<ul style="list-style-type: none"> • Not more than 3 years. • Fine not more than \$250,000 individual, \$1 million not individual 	<ul style="list-style-type: none"> • Not more than 6 years. • Fine not more than \$500,000 individual, \$2 million not individual. 			
V	All	Any	<ul style="list-style-type: none"> • Not more than 1 year. • Fine not more than \$100,000 individual, \$250,000 not individual 	<ul style="list-style-type: none"> • Not more than 2 years. • Fine not more than \$200,000 individual, \$500,000 not individual. 			

Federal Trafficking Penalties: Marijuana

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life. • If death or serious injury, not less than 20 years, not more than life. • Fine not more than \$4 million individual, \$10 million other than individual. 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life. • If death or serious injury, not more than life. • Fine not more than \$8 million individual, \$20 million other than individual.
Marijuana	100 kg to 999 kg mixture; or 100-999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years. • If death or serious injury, not less than 20 years, not more than life. • Fine not more than \$2 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life. • If death or serious injury, not more than life. • Fine not more than \$4 million individual, \$10 million other than individual.
Marijuana	50 to 99 kg mixture; 50-99 plants	<ul style="list-style-type: none"> • Not more than 20 years. • If death or serious injury, not less than 20 years, not more than life. iFine of \$1 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, not more than life. • Fine of \$2 million individual, \$10 million other than individual.
Marijuana	Less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years. • Fine not more than \$250,000, \$1 million other than individual. 	<ul style="list-style-type: none"> • Not more than 10 years. • Fine \$500,000 individual, \$2 million other than individual.
Hashish	10 kg or more		
Hashish Oil	1 kg or more		

Appendix F—Patient Privacy

The Health Insurance Portability and Accountability Act of 1996, or HIPAA, includes a privacy rule that creates national standards to protect individuals' personal health information. These standards were implemented by the Duke Health Enterprise on April 14, 2003.

Duke Student Health, Counseling and Psychological Services, and Sexual Assault Support Services comply with these standards. The *Notice of Privacy Practices* brochure, which will be given to students at their first visit, describes how medical information may be used and disclosed and how you can get access to this information.

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