

---

## *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 bongs;
- 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](mailto: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.

**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.