

Statement of Student Rights and Responsibilities

Rights and responsibilities also extend to Student Organizations/Groups, as defined in the Student Discipline Procedures

In any review of these charges in the student conduct system, the **Student Discipline Procedures** ensures the basic rights for both Respondent students and any Complainants as listed below. Students accused of misconduct, students who experience misconduct, or who are a witness to an incident have responsibilities in the disciplinary process and are informed of those responsibilities through the **Student Discipline Procedures**.

3.1 Respondent Rights

Students whose conduct is under review based on the Code have the following rights:

3.1.1. To receive written notice of the charges as described in these Student Discipline Procedures. Written notice of the charges will be provided to the Student within thirty (30) calendar days from either (a) the receipt of the complaint by the Office of Student Conduct or University Housing or (b) the receipt of an investigative report from the Office for Institutional Equity and Diversity ("OIED"), unless extenuating circumstances require a longer time period. A designated University official may investigate such reports prior to determining whether a formal charge should be brought against a Student or Student Group/Organization.

As outlined in Appendix G, OIED will investigate reports of Interpersonal Violence or Sexual Misconduct (as defined in sections 10.14, and 10.15 of the Code). Ultimately, the Office of Student Conduct will determine whether to issue formal charges accusing a Student or Student Group/Organization of violating the Code. The constitutional prohibition against double jeopardy in criminal cases does not apply to Student disciplinary proceedings. The university may impose disciplinary sanctions even where there has been a criminal proceeding disposing of the same matter. Accordingly, the university may pursue charges for a violation of the Code where corresponding criminal charges have been reduced, declined, or dismissed.

3.1.2. In cases that could result in a sanction of suspension or expulsion, to receive a written notice of hearing that includes information specific to the factual allegations and possible sanction.

3.1.3. To have reasonable access, to the extent permitted by law, to the Respondent's case file in the Office of Student Conduct.

3.1.4. To receive an explanation of the procedural alternatives available within the university disciplinary process.

3.1.5. To be presumed not responsible unless proven by a preponderance of the evidence to have violated the Code.

3.1.6. To respond to the information presented and to question witnesses, through a hearing board or Hearing Officer. Respondents in disciplinary proceedings are expected to answer questions concerning their conduct. Disciplinary proceedings are administrative in nature and the person or board reviewing the case needs to have all relevant information available in order to reach a result. If the Respondent refuses to answer questions, a decision will be made based upon the information present in the record. Students whose alleged misconduct may subject them to criminal proceedings should consult with their own legal counsel regarding their rights.

3.1.7. To deny responsibility (without being charged for lying in relation to that denial) if proven responsible. However, a Student may be charged, or be subjected to more stringent sanctions, for lying about the facts of the case.

3.1.8. To appeal an adverse decision as described in section 7 of the Student Discipline Procedures.

3.1.9. To review the Code and these Student Discipline Procedures.

3.1.10. When charged with or under investigation for non-academic misconduct, to be represented by a single Attorney/Non-Attorney Advocate at the Respondent's own expense, during a Disciplinary Conference, Mutual Agreement, Administrative Hearing, or Interim Suspension hearing.

3.1.11. To have a single Observer at the hearing for support.

3.1.12. To receive contact and referral information from staff in OIED, the Office of Student Conduct, University Police, or other appropriate University offices for University-based supportive measures.

3.1.13. To waive any of the above rights, provided that the waiver is made freely and in writing.

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3.2 Responsibilities of Respondents, Complainants, and Witnesses

Participants in the student conduct process have the following responsibilities:

- 3.2.1 To know and adhere to the Code.
- 3.2.2 To be honest and complete in all information provided in this process.
- 3.2.3 To attend all meetings, conferences, or hearings in a timely fashion.
- 3.2.4 For Respondents, to complete any sanctions imposed for violating the Code and consistent with the decision and deadlines administered in their case.
- 3.2.5 To participate in a manner that is civil and respectful.
- 3.2.6 For Complainants and Respondents, to present their case and to secure the presence of any witnesses who will speak on their behalf.

Self-Care

Students whose behaviors are reviewed by the student conduct process often feel a great deal of stress. For some students, the additional time taken by an investigation or hearing process further aggravates their discomfort.

If you are finding that you are having difficulty focusing on your daily activities or that stress resulting from your current disciplinary status is manifesting itself in other negative ways in your life, please contact the NC State Counseling Center at 919.515.2423. Resources can also be found at <https://counseling.dasa.ncsu.edu/>

More Information

For questions or concerns, please contact the Office of Student Conduct at studentconduct@ncsu.edu or 919.515.2963. Additional resources and information about our process can be found at <https://go.ncsu.edu/osc>.