

# The Duke Community Standard in Practice:

*A Guide for Students*  
*2022-2023*

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## 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 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

The information in this bulletin applies to the academic year 2022-2023 and is accurate and current, to the extent possible, as of August 2022. 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 is committed to encouraging and sustaining a learning and work community that is free from harassment and prohibited discrimination. The university prohibits discrimination on the basis of age, color, disability, gender, gender identity, gender expression, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, veteran status (collectively, “protected status” or “protected characteristics”); this includes discrimination and harassment based on the perception of an individual’s protected status, even if that perception is incorrect. It also prohibits misconduct related to protected status discrimination and harassment, specifically, relationship violence and stalking. This applies to the administration of employment and educational policies, practices, programs, and activities.

Duke University has designated Kimberly Hewitt, Vice President for Institutional Equity, as the individual responsible for the coordination and administration of its nondiscrimination and harassment policies generally. The Office for Institutional Equity is located in Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708; 919-684-8222; [kimberly.hewitt@duke.edu](mailto:kimberly.hewitt@duke.edu).

The Policy also prohibits related misconduct, such as sexual assault, relationship violence, and stalking. Duke University has designated Cynthia Clinton as the Assistant Vice President for Harassment & Discrimination Prevention and Compliance and Title IX Coordinator, and Adrienne Allison as the Deputy Title IX Coordinator for Students. Both are also within the Office for Institutional Equity, and can be contacted at 919-668-6214 or [cynthia.clinton@duke.edu](mailto:cynthia.clinton@duke.edu) and 919-684-8222 or [Adrienne.allison@duke.edu](mailto:Adrienne.allison@duke.edu), respectively.

Questions or comments about discrimination, harassment, domestic violence, dating violence, and stalking can be directed to the Office for Institutional Equity, 919-684-8222. Additional information, including the complete text of the university’s discrimination and harassment policies and appropriate complaint procedures, may be obtained by contacting the Office for Institutional Equity at [oie.duke.edu](http://oie.duke.edu) or the Office of Student Conduct and Community Standards at [studentaffairs.duke.edu/conduct](http://studentaffairs.duke.edu/conduct).

The Family Educational Rights and 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 [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](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 Student Disability Access Office 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 Section 504 of the Rehabilitation Act or 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 Section 504 or the ADA (e.g., academic, housing, etc.) must consult Leigh Be ([leigh.bhe@duke.edu](mailto:leigh.bhe@duke.edu)), Director, Student Disability Access Office, 919-684-8231 or 919-668-1329 TTY, to explore possible coverage. Students with medical conditions not covered under the provisions of ADA must consult Duke Student Health Services 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. Students are also required to provide an accurate local physical address and a cell phone number through DukeHub.

Information that the university is required to make available under the Student Right to Know and Campus Security Acts may be obtained from University Communications at 919-684-2823 or in writing to 614 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 to award baccalaureate, masters, doctorate, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Duke University.

This publication may be accessed online at [registrar.duke.edu/university-bulletins/current-bulletins](http://registrar.duke.edu/university-bulletins/current-bulletins).

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Dear Students,

It is with much excitement that we welcome you to the 2021-2022 academic year at Duke University! Following a year that was filled with incredible adversity and triumphs at Duke, in Durham and the nation, we, the Duke Community, are fortunate that we moving forward united towards what will be an incredibly successful academic year.

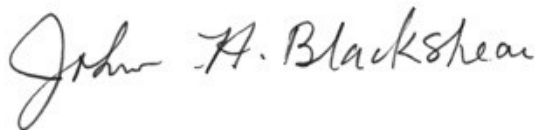
Duke is a richly diverse community of global citizens all committed to upholding, embodying, and lifting up the principles of the Duke Community Standard (DCS). Building, serving, and honoring community are at the core of living, learning and working at Duke. Integrity, honor, and accountability are the hallmarks of this illustrious university. It is incumbent upon each of us – students, faculty and staff – to hold these principles as core values throughout the upcoming academic year.

The Duke Community Standard - the body of beliefs that everyone at Duke agrees to uphold as a commitment to enhancing our community stipulates that we agree that:

- We will not lie, cheat, or steal in my academic endeavors;
- We will conduct myself honorably in our endeavors; and
- We will act in the best interest of Duke University if we witness the Community Standard compromised.

The policies and procedures in the DCS Guide have been established to help guide members of our community in everyday endeavors, even when we inevitably have human moments and fall short of our stated expectations.

Consistent with the excellence that is Duke University, the Office of Student Conduct and Community Standards is committed to your academic, social, and personal success and wellbeing. We thank you, in advance for joining our efforts in promoting academic and social honor, integrity, and accountability. Most importantly, we thank you for your commitment to fostering inclusive communities at Duke. GO DUKE!



John A. Blackshear  
Associate Vice Provost for Undergraduate Education & Dean of Students



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# **DUKE COMMUNITY STANDARD**

## DUKE COMMUNITY STANDARD

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

To uphold the Duke Community Standard:

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

## THE CONTEXT OF THE DUKE COMMUNITY STANDARD

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The honor code at Duke is named the **community** standard because community is at the center of our conception of what it means to act honorably. Community entails a sense of connectedness to others and their welfare, feeling part of Duke University every day and being responsible for its continual improvement. Community refers as well to a feeling of connection to the city in which we are located. It posits the counterbalancing of group benefit with individual needs and wants, and a Duke identity with the many personal identities based on demographics and interest. The kind of environment we strive to achieve is one in which civility (but not docility) reigns; an environment in which ideas are promulgated, and challenged, in a stimulating give and take; an environment in which learning (whether from peers, faculty, administrators, or others in the Duke and broader communities) is accomplished with openness, honesty, and respect.

Citizens of the Duke community commit to acting with purpose, civility, and intention, both with personal decision-making and with interactions with each member of this community. Choosing to be a citizen of the Duke community means acknowledging the value of each member, participating in active reflection and asking the question: “How do my actions impact others?”

The honor code at Duke is named the **community standard** because it expresses our institution’s core values and a concomitant set of expectations for behavior. Because behavior is derivative of fundamental values, the standard applies off campus as well as on. The principles it articulates, while lofty in one sense, are firmly grounded in individual decisions made on the ground every day about every aspect of student life, in academic and co-curricular activities alike: in the classroom, residence halls, K-Ville, off-campus apartment complexes, Myrtle Beach, Paris, and wherever else students may go. In addition, the standard asks that students not only reflect on their own behavior, as important as that is, but that they also act to encourage the integrity of their peers. By inspiring and supporting each other, students can shape their environment so that it reflects the ideals expressed in the Duke Community Standard.

The Standard, therefore, expresses our goals for student education in the broadest sense and is foundational to undergraduate life at Duke. It is followed by an equally important pledge that students sign as members of the community.

Duke University seeks to engage all students in its tradition of honor, a tradition that defines the institution and helps to guide students during their college careers and beyond. The students here today, who are the beneficiaries of the efforts of those who preceded them, have an extraordinarily important role to play in perpetuating and strengthening this tradition. We welcome, and count on, your involvement.

## STUDENTS' OBLIGATION TO ACT WITH RESPECT TO THE DUKE COMMUNITY STANDARD

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The Duke Community Standard (DCS) stresses the commitment that students share with all members of the community to enhance the climate for honesty, fairness, respect, and accountability at Duke University. Students affirm their commitment to foster this climate by signing a pledge that includes taking constructive action if they witness or know about behaviors they perceive to be inconsistent with the DCS, which may include violation of university policies. Although there are no disciplinary sanctions associated with the failure to act, students are nonetheless expected to take action—to do *something*—as a responsibility of membership in the Duke community.

The university recognizes that it is not always easy to act in these situations, but several alternatives are available to suit a student's level of comfort and confidence. These alternatives are not mutually exclusive.

- Speaking directly with the individual exhibiting the behavior, both to gain clarity about the situation and to inform the individual about the concern.
- Publicly calling attention to the behavior as it is occurring.
- For incidents involving social behaviors, alerting residence hall, Student Affairs, or other university staff. The information provided will give staff an opportunity to address the matter informally or through appropriate formal channels.
- For cases involving academic integrity, alerting the instructor that cheating may be occurring in the course. This alert can be in any form, including anonymous notification, and the reporting student will not be identified. The information provided will allow the faculty member to consider corrective measures, in consultation with the Office of Student Conduct & Community Standards (OSCCS), and to address the topic with the class or suspected student(s).
- Directly alerting OSCCS staff (919-684-6938; [conduct@duke.edu](mailto:conduct@duke.edu)), who will confer with the faculty member involved, if an academic issue, or with the reporting student(s), strategizing next steps. Maintaining the confidentiality of the source is possible, but may limit the extent of action that can be taken.

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 asked to reaffirm their commitment to the Duke Community Standard by signing a statement indicating that they have adhered to the Duke Community Standard in completing the assignment.

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.

## HOW WILL YOU ACT?

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"I will speak out against bigotry and sexism."

"I will do my best work on assignments and exams without cheating, and if I find myself in a time crunch, I will contact my instructor to discuss options."

"I will consider the impact of my actions on my neighbors."

"I will call for medical attention for an intoxicated friend."

"I will be a champion for academic integrity."

"I will refuse to participate in activities that conflict with my values and beliefs."

# OVERVIEW OF THE STUDENT CONDUCT SYSTEM

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

All reports of inappropriate student behavior may be filed with or forwarded to the Office of Student Conduct & Community Standards (OSCCS). OSCCS staff will determine the most appropriate means by which to handle a report. Resolution may include a Dean's Conference, Adaptable Conflict Resolution, and/or other disciplinary action (see "Types of Resolution" on page 36).

## ORGANIZATION

- OSCCS is designated to oversee the disciplinary system for students. It also oversees and implements the procedures of the Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) related to undergraduate and graduate students; see <https://oie.duke.edu/introduction-policies>
- Hearing officers are OSCCS staff and/or members of the university community designated to resolve disciplinary matters through adaptable or formal disciplinary resolution.
- The Conduct Board (CB) is designated to resolve formal conduct matters that involve complicated circumstances, serious infractions of university policy, and/or repeated misconduct. The CB is comprised of students, faculty, and staff. Consideration shall be given to the appointment of a board reflective of the population of the university community.
- The Appellate Board considers appeals of students/student groups found responsible and sanctioned through a panel hearing, and/or complainants in harassment-related cases. The Vice Provost/Vice President for Student Affairs appoints the chair and other members of the Appellate Board, consisting of faculty, staff, and students.
- Peer Advisors are available to assist students/student groups through the conduct process. Advisors include students and staff who have been trained and are familiar with the conduct system. A list of advisors is available from OSCCS.

## SCOPE

- The university may respond to any report of behavior that occurred within a student's career, from application to graduation.
- Any student is subject to disciplinary action. This includes students who have matriculated to, are currently enrolled in, are on leave from, or have been readmitted (following a dismissal) to programs of the university.
- The accused (also referred to as the respondent) may also be a cohesive unit of the university, such as a living group, athletic team, or other recognized organization.
- The university reserves the right to respond to any report of alleged misconduct on or off campus.
- Student group leaders most directly responsible may be held accountable for acting as an accomplice through action or negligence to the commission of prohibited acts at a group-identified event.

- In cases of alleged policy violations by a student enrolled in a joint degree program or interdisciplinary coursework within Duke, each school or unit (the home unit and the host unit) may have a stake in the adjudication. Thus, an ad hoc process shall be developed and an ad hoc panel may be formed with representatives from both institutions/units to handle the case. The 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 sanctions may be different for each institution.
- The Office for Institutional Equity (Smith Warehouse, Bay 8, 919-684-8222) receives reports and handles complaints alleging Title IX sexual misconduct for students, staff, faculty, and all other non-Duke students, as well as complaints alleging protected class discrimination and harassment by any member of the Duke community (including students), under the Duke Policy on Prohibited Discrimination, Harassment and Related Misconduct (PPDHRM), available at <https://oie.duke.edu/introduction-policies>. OSCCS facilitates the adjudication of discrimination and harassment complaints under the PPDHRM.

## GET INVOLVED

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The Conduct Board is a pool of students, faculty, and staff who are selected/appointed to hear referred cases of potential violations of university policy. A three- or five-member panel, typically chaired by a student, hears each case. About 5% of the total caseload of the Office of Student Conduct and Community Standards is referred to a hearing of the Conduct Board. The Conduct Board has the ability to issue any sanction available through the conduct process for a finding of responsibility, including suspension or expulsion. See [studentaffairs.duke.edu/conduct](http://studentaffairs.duke.edu/conduct).

Peer Advisors are students and staff trained in the undergraduate conduct process. They offer information about how the process works, advice on how to approach each stage of the process, and can support students in attendance at a formal Conduct Board hearing. Students of any class year, including first-year students, may apply. See [studentaffairs.duke.edu/conduct](http://studentaffairs.duke.edu/conduct).

The Duke University Honor Council is a student-led organization focused on promoting the Duke Community Standard throughout campus. The Honor Council achieves this through outreach campaigns to familiarize students with the Standard as well as through discourse-focused events allowing students to discuss the Standard and its principles in the context of their own personal Duke experience. The Honor Council works closely with administration, the Kenan Institute of Ethics, and prominent student organizations to best create a campus community and culture that highlights values and ethics. For additional information, please visit the Honor Council's website at [dukehonorcouncil.org](http://dukehonorcouncil.org).



# **STUDENT POLICIES**

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

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

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

## ACADEMIC DISHONESTY

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### LYING

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

It includes, but is not limited to:

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

### CHEATING

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

- plagiarism (defined further below) on any assignment;
- giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments, or examinations;
- using or consulting unauthorized materials or using unauthorized equipment or devices on tests, quizzes, assignments, or examinations;
- using, consulting, and/or maintaining unauthorized shared resources including, but not limited to, test banks and/or solutions materials;
- altering or falsifying any information on tests, quizzes, assignments, or examinations;
- using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior faculty permission to do so;
- working on any examination, test, quiz, or assignment outside of the time constraints imposed;
- the unauthorized use of prescription medication to enhance academic performance;
- submitting an altered examination or assignment to an instructor for re-grading; or
- failing to adhere to an instructor's specific directions with respect to the terms of academic integrity or academic honesty.

“Plagiarism” occurs when a student, with intent to deceive or with disregard for proper scholarly procedures,

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

Plagiarism may include:

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

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

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

## STEALING

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

**\*Note: Students may not drop, change course grading to Pass/Fail or Satisfactory/Unsatisfactory, or withdraw from the course once a report of alleged academic dishonesty has been submitted.**

# ALCOHOL

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## OVERVIEW

As a community of scholars and learners, Duke University expects those within its community to be responsible for their choices related to the use of alcohol and other drugs. In keeping with this principle and federal, state, and local laws, the University's Alcohol and Other Drugs Policy emphasizes individual and shared responsibility, healthy and informed decision-making, the maintenance of a caring environment, and the promotion of genuine dialogue.\* Students are encouraged to learn about the potential social, physiological, and psychological consequences of alcohol and drug abuse. Excessive and high-risk substance use can lead to negative consequences for the Duke community, 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 substance use behaviors and, therefore, reduces the likelihood of these negative outcomes.

## ALCOHOL

### General Provisions

- Students under 21 years of age are not permitted to purchase, possess, or consume alcoholic beverages. Students and student groups are considered in violation of this policy if they facilitate the acquisition of alcohol by anyone under the age of 21. An exception may exist for students studying abroad in jurisdictions with different laws regarding the age of alcohol consumption. Students studying abroad must comply with the laws of the jurisdiction in which they are located.
- Students and student groups are prohibited from engaging in actions that are harmful or potentially harmful to oneself or others involving the use of alcohol. Such behavior includes, but is not limited to the illegal driving while under the influence of alcohol, drinking games, progressive parties, consuming an excessive amount of alcohol in a short period of time, and use or attempted use of fraudulent identification or another's identification to obtain alcohol.
- Actions while under the influence of alcohol that are disruptive to the community are prohibited. Such behavior includes but is not limited to: disorderly conduct, damaging property, fighting; running away or hiding from university or public officials, including law enforcement, vomiting and/or urinating in public.
- Common-source containers (e.g., kegs, punch bowls, coolers, or garbage cans) are prohibited except as specifically authorized by the University.
- No alcoholic beverages are permitted in first-year residence halls or the surrounding grounds.
- Publicity for gatherings on East Campus may not exclusively focus on alcohol. However, publicity for any event where alcohol may be present must acknowledge this fact in any marketing materials made available to the public.
- Student(s) and/or student groups shall also adhere to the specific guidelines for events outlined in The Duke Community Standard in Practice: A Guide for Students (for student groups that cater primarily to undergraduates) or the Graduate and Professional Student Alcohol Policy (for student groups that cater primarily to graduate/professional students).
- Each academic community (e.g., Fuqua, Law) 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.

For events with alcohol, any large gathering (typically over 25 guests) where alcohol is present must be registered by the hosting student(s) or student organization. Students and student organizations holding registered social events are required to follow the Social Event Policies. The Social Event Policies are designed to promote safe events for community members and help students and student organizations mitigate the risks of hosting an event. For more information regarding registering social events and/or events with alcohol, see theUCAE Social Event Policies.

## OTHER DRUGS\*\*

Students and student organizations, regardless of age or location, are prohibited from possessing, using, selling, distributing, growing, manufacturing, and facilitating the use of illegal drugs, controlled substances, and other illegal substances, as well as substances that are used to impair. This includes the improper use of an otherwise lawful

substance. This includes substances covered under the North Carolina Controlled Substances Act, the North Carolina Toxic Vapors Act, the Drug-Free Schools and Communities Act and/or any other applicable law.

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

Duke prohibits driving while under the influence of drugs, regardless of location or age, except as permitted by law. Duke also prohibits the possession of drug paraphernalia, including but not limited to bong, pipes, or homemade equipment.

## HEALTH AND SAFETY INITIATIVE

Because health and safety of students are of primary importance, students are encouraged not only to look out for their own health and safety but also for that of their peers. When a person's health and/or safety is/are threatened or appear(s) to be in jeopardy, immediate action should be taken to prevent injury/illness/danger. Dial 911 (or the Duke Police Department at 919-684-2444 if you are on campus) for help. Whatever the particular need/problem, it is important to respond in a responsible and timely manner.

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

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

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

A panel of the Conduct Board will be informed of a student who has received "amnesty" under this provision of the Alcohol and Other Drugs Policy should the student be subsequently found responsible for a violation of policy related to substance use for purposes of effective sanctioning.

*\*Adopted from Brown University, Code of Student Conduct.*

*\*\*Adopted from Tufts University, Student Code of Conduct.*

## BRIDGE PAINTING

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

The surface of the "Free Expression" bridge/tunnel (located on Campus Drive under Main Street) may be painted within the span of the ceiling of the tunnel (but not the ceiling itself), as well as on the outer edge of the Pettigrew Bridge facing Campus Drive and, the exterior (inner) face of the concrete Campus Drive tunnel walls. However, painting is not allowed on the sidewalks or roadways inside or outside the tunnel. Supplies are the responsibility of the painter(s) and are not provided by the university. Painter(s) may not impede the flow of traffic. Any ladders used may not exceed six feet.

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

use courtesy and common sense when selecting an area of the tunnel to paint.

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

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

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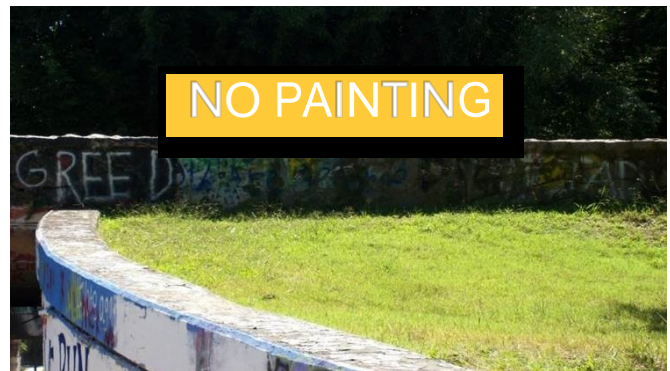
Painting is permitted on the outer edge of the Pettigrew Bridge facing Campus Drive and the exterior (inner) face of the concrete Campus Drive tunnel walls.

• *The Main Street bridge and the railroad trestle (see below)*

• *The Duke stone walls (see below)*



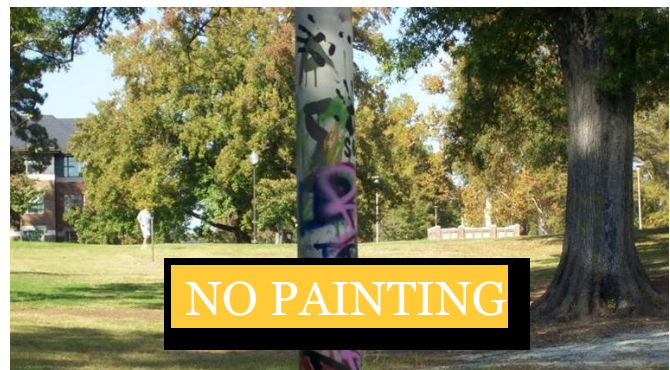
• *The Pettigrew Street Bridge (side of the bridge on Pettigrew Street not overlooking Campus Drive (see below)*



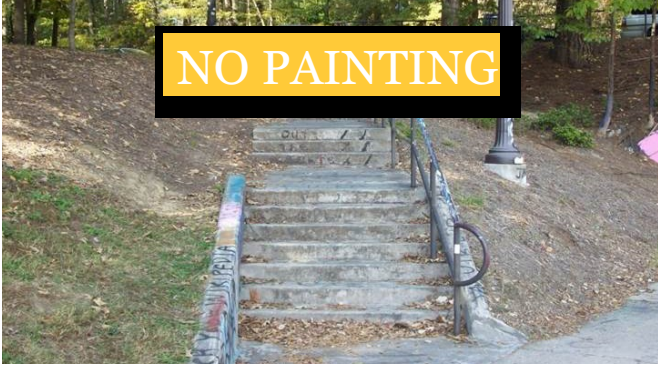
• *On any light poles, signs or sign posts (see below)*



• *The steps and handrails from Campus Drive to Pettigrew Street (see below);*



• *Any handrails, roadways or sidewalks, even if located inside the tunnel (see below).*





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

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

Consider these questions as you plan to paint:

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

## CLASSROOM DISRUPTION

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

## DISCRIMINATION

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The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status (i.e., protected class status); see <https://oie.duke.edu/introduction-policies> for the university's

full discrimination policy. The Office for Institutional Equity facilitates the intake and investigation of discrimination allegations under the PPDHRM, and OSCCS facilitates the resolution of discrimination matters in which the respondent is an undergraduate or graduate student according to the procedures set forth in the Student Conduct Resolutions and Procedures noted in this guide.

## DISORDERLY CONDUCT

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Disorderly conduct is defined as:

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

Disorderly conduct includes, but is not limited to: reckless driving; interrupting or interfering with the carrying out of the duties of a university or public official, including law enforcement; vomiting and/or urinating in public; and, indecent exposure.

## FAILURE TO COMPLY

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

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

## FALSIFICATION/FRAUD

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

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

## FIRE SAFETY

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**PREFACE.** See references to the Duke University Safety Manual: [www.safety.duke.edu/sites/default/files/IV\\_1FireProtection.pdf](http://www.safety.duke.edu/sites/default/files/IV_1FireProtection.pdf)

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

**Candles and Other Open Flames.** [www.safety.duke.edu/sites/default/files/IV\\_1FireProtection.pdf](http://www.safety.duke.edu/sites/default/files/IV_1FireProtection.pdf)

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

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

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

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

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

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

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

**Decorations, Holiday, and Theme Parties.** [www.safety.duke.edu/sites/default/files/IV\\_1FireProtection.pdf](http://www.safety.duke.edu/sites/default/files/IV_1FireProtection.pdf)

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

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

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

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

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

## GAMBLING

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

## GUESTS

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Students and student groups are responsible for notifying their guests of university rules and regulations and may be held accountable for the conduct of their guests. Guests can be Duke University students or non-students. Guests on campus who do not abide by university policies are subject to being trespassed. Students are responsible for the behavior of visitors to their room/apartment and may be found responsible for behavior that occurs there whether or not the occupant(s) is/are present.

## HARASSMENT

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The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of harassment based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status (i.e., protected class status); see <https://oie.duke.edu/introduction-policies> for the university's full

harassment policy. The Office for Institutional Equity facilitates the intake and investigation of harassment allegations under PPDHRM, and the Office of Student Conduct facilitates the resolution of harassment matters in which the respondent is an undergraduate or graduate student according to the procedures set forth in the Resolution of Student Conflict and Alleged Violations of University Policy (page 41).

All other allegations of harassment that do not involve a protected class status are covered under this policy. Under this policy, harassment is defined as unwelcome conduct that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

## HAZING

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

**Hazing defined.** Hazing is defined as any action taken or situation created, whether on or off university premises, that is harmful or potentially harmful to an individual's physical, emotional, or psychological well-being, regardless of an individual's willingness to participate or its bearing on the individual's membership status. Such activities and situations include, but are not limited to: calisthenics; pledge/signature books; personal servitude; sleep deprivation or interruption of consecutive sleep hours; acts that disrupt academic instruction or learning of others; expected or forced consumption of food, drink (including alcohol), or other substance; branding; and paddling in any form.

Students should also be aware that hazing is a misdemeanor under North Carolina state law.

### REPORTING CONCERNING ACTIVITIES

Acts or potential acts of hazing may be reported to OSCCS (919-684-6938 and/or [studentaffairs.duke.edu/conduct/report-incident](https://studentaffairs.duke.edu/conduct/report-incident)) or Duke Police (911 or 919-684-2444). In addition, concerns may be reported anonymously via voicemail to the university's Hazing Hotline at 919-684-5766. Maintaining the anonymity of the source is possible, but may limit the extent of action that can be taken.

## NOISE

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Students and student groups are expected to respect the rights of others at all times. During specified hours, higher noise levels are permitted, but must remain at a level considerate of those students who wish to study or sleep. Please refer to the Housing and Residence Life Policy for expectations in the residence halls; see [studentaffairs.duke.edu/hdrl/housing-policies](http://studentaffairs.duke.edu/hdrl/housing-policies). Additionally, amplified sound is permitted on the Plaza between noon and 1 p.m. on weekdays with permission from University Center Activities & Events (UCAE).

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

## PHYSICAL ABUSE, FIGHTING, AND ENDANGERMENT

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

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

## PICKETS, PROTESTS, AND DEMONSTRATIONS

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

The university also respects the right of each member of the academic community 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 University Center Activities and Events (919-684-4741) 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.

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

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

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

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

## PROPERTY/FACILITIES/SERVICES

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

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

## RETALIATION

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Retaliation by individual students, groups of students, or student groups is prohibited. Retaliation is an adverse action or threat of adverse action taken against an individual for reporting behavior that may be prohibited by law or policy or participating in an investigation or resolution process related to an allegation of misconduct. Retaliation must be sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive and that adversely affects the targeted individual's/student group's educational, work, or living environment.

## SEXUAL MISCONDUCT

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The Policy on Prohibited Discrimination, Harassment, and Related Misconduct (PPDHRM) governs allegations of sex/gender-based harassment; see <https://oie.duke.edu/introduction-policies> for the university's full discrimination and harassment policy. The Office for Institutional Equity facilitates the intake and investigation of allegations under the PPDHRM, and the Office of Student Conduct & Community Standards facilitates the resolution process for sexual misconduct (non-Title IX) matters in



which the respondent is an undergraduates or graduate student according to the procedures set forth in the Student Conduct Resolutions and Procedures (page 34).

## STALKING

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

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

## THEFT

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Theft and possession of stolen property are prohibited. Theft is the unauthorized taking of property and/or property/services of another. Possessing stolen property occurs when a student or students know or reasonably should have known that property in their possession was obtained through theft, including knowingly being in possession of stolen goods (this includes unauthorized use of vehicles, equipment, services, the Duke University name and logo).

## UNAUTHORIZED SURVEILLANCE/PHOTOGRAPHY

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

## WEAPONS/FIREARMS/EXPLOSIVES

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

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

## OTHER VIOLATIONS

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

- violating any other published or posted university regulation not specifically mentioned in this guide, including the Housing License, Housing and Residence Life regulations, student activities regulations, guidelines for student groups, parking regulations, student behavioral expectations surrounding

COVID-19, 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; and
- violating local ordinances or state or federal laws (as determined through the university's disciplinary process), including those related to noise, housing occupancy, and/or the use or distribution of alcohol.
- violating computing and electronic communications policies, including, Duke's acceptable use policy and group email policy. Please refer to the Office of Information Technology for expectations; see <https://oit.duke.edu/about/policies>.

Alumni or current students who are applying to law school, medical school or other graduate programs, or, who want to work for the government, will likely be asked to report their disciplinary history. If you have a form for us to complete as part of the application (often called a "Dean's Certification" form), send it to us at:

Office of Student Conduct & Community Standards  
Box 90893  
Durham, NC 27708-0893  
conduct@duke.edu  
fax: 919-681-7390

Please allow 5-7 business days for your request to be processed. Because of the volume of requests received, we cannot guarantee a response earlier than five business days, though we do our best to process requests sooner.

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

# **STUDENT CONDUCT RESOLUTIONS AND PROCEDURES**

## STUDENT RIGHTS

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**Respondents and Complainants.** Accused students/student groups (and Complainants participating in the process under the PPDHRM) are entitled to the following procedural rights when facing a hearing before the Conduct Board. Under this policy, complainants are students alleging violation(s) of the Policy on Prohibited Discrimination, Harassment, and Related Misconduct and non-protected class harassment and are also entitled to the following procedural rights when participating in a hearing before the Conduct Board.

- to be informed that the student/student group is under investigation;
- to seek advice from anyone, including a OSCCS advisor made available by the university;
- to be given an opportunity to respond to allegations;
- to choose the extent to which the student/student group shares information;
- to be notified of a conduct board hearing at least five days in advance (notification will include the time, date and location of the hearing as well as names of hearing panel members and witnesses);
- to challenge any panel member if there is a significant conflict of interest;
- to know of and have an opportunity to review in advance written information and allegations;
- to be accompanied by an advisor to the hearing. An advisor must be a member of the university community (current faculty, staff or student), except in matters involving allegations of sexual misconduct, in which case a student may select any advisor of the student's choice);
- to an equitable and impartial hearing;
- to question/respond to any witness testimony presented against the student/student group;
- to present additional witnesses or information at the hearing (the relevancy of which may be determined by the hearing panel);
- to be found responsible only if the information meets a preponderance of information threshold; and
- to appeal based upon clearly stated grounds.

## THE CONDUCT PROCESS

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### How to File a Report

Reports of behavior alleged to violate university policy should be filed with or forwarded to OSCCS. Additional information can be found at [studentaffairs.duke.edu/conduct/report-incident](http://studentaffairs.duke.edu/conduct/report-incident)

Duke Police, the Office for Institutional Equity (OIE), academic deans, and offices within Student Affairs offer additional resources for students to address concerns. 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, they may contact OSCCS.

Any alleged violation of university policy is within the scope of OSCCS. If OSCCS determines that another office is more appropriate to handle the situation, the case may be referred to that office.

### Interim Measures

Prior to investigation and resolution, interim measures may be placed on a student by OSCCS and/or other administrative units

to protect the health, safety, or welfare of the university community or any member of it. These measures may include, but are not limited to, a “no contact” directive, withdrawal of privileges, removal from or relocation within the residential community, suspension of activity, and more.

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

### Participation

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

### Investigation

OSCCS staff and/or designee(s) will gather information regarding the alleged incident in order to determine the appropriate means of resolution.

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

OSCCS may determine to not proceed with a report due to insufficient information, or alternatively, refer a report for an Administrative Conference, Administrative Hearing, Adaptable Resolution, or other disciplinary action. In order for a report to be referred for disciplinary action, there must be sufficient information to believe that a policy violation may have occurred and that the alleged student/student group may be responsible.

### Relevance

OSCCS, the investigator from the Office for Institutional Equity (OIE), or the hearing panel, as appropriate, may exclude and/or redact:

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

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

## TYPES OF RESOLUTION

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### ADMINISTRATIVE CONFERENCE

An Administrative Conference is a meeting with a university administrator to discuss the behavior that is of concern. Students will be informed about particular provisions in the *The Duke Community Standard in Practice: A Guide for Students* that may be violated should the behavior of concern repeat. The university

administrator may suggest helpful resources for students and address any further concerns.

## ADAPTABLE RESOLUTION

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

Adaptable Resolution may include, but is not limited to:

- **Resolution through Agreement.** If a student/student group accepts responsibility for (an) alleged violation(s), the university administrator, or designee, may propose (an) appropriate sanction(s) based on the specifics of the incident, precedent, and university interests. If the student/student group accepts responsibility and agrees to the proposed sanction(s), the student/student group waives their right to a hearing and/or appeal, the resolution becomes final, and the outcome is recorded on the student's/student group's disciplinary record. If the student/student group accepts responsibility, but is unable to agree to the proposed sanction(s), the case will be forwarded to a hearing to determine (an) appropriate sanction(s). If the student/student group denies responsibility, the case will be forwarded to a hearing to determine responsibility and (a) sanction(s) as appropriate.
- **Restorative Practices.** OSCCS utilizes practices derived from restorative justice principles to address instances of conflict that arise in the community. The purpose of a restorative process is an opportunity to bring together all parties involved in an incident for the purpose of addressing the harms and needs associated with the incident. This affords the opportunity for discussion by all parties to gain understanding, repair harm and address needs. This may include restorative conversations, circles, conferences and/or other processes to address harm that has been caused.
- **Mediation.** Mediation is a process that empowers students to resolve their own disputes. Through mediation, a neutral third party assists students in coming to a peaceful and agreeable solution. The university encourages informal mediation whenever practical or appropriate. Students interested in mediation to resolve a conflict should contact OSCCS. Staff within OSCCS 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, OSCCS may refer a case for disciplinary resolution if it involves allegations of a university policy violation(s). Failure to comply with the results of mediation may be cause to commence the disciplinary process.

## HEARING

If a case is referred for disciplinary action, the student/student group will be notified of the incident in question and the policy violation(s) under consideration, and will be given an opportunity to respond. There are two types of disciplinary hearings: Administrative Hearings and Conduct Board Hearings (see below for additional information on both types of hearings). Most cases are resolved via an administrative hearing, which is a discussion between the student/student group and a hearing officer. Cases that are serious in nature, involve complicated facts, and/or involve students/student groups with previous disciplinary violations may be forwarded to the Conduct Board for resolution. OSCCS will determine which avenue is most appropriate to pursue.

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

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

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

Administrative hearings are conducted in private, except in matters involving allegations of sexual misconduct, in which a student may be accompanied by an advisor of the student's choice.

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

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

If a student/student group does not accept the administrative hearing resolution, the student/student group may request by the stated deadline a hearing before a panel of the Conduct Board.

- **Conduct Board Hearing.** A student/student group may request and/or OSCCS, in its discretion, may refer a matter to the Conduct Board for adjudication. The Conduct Board (CB) is comprised of students, faculty, and staff appointed to hear alleged violations of university policy and is charged with determining whether a student/student group is responsible for a policy violation and if so, the CB determines the appropriate university response, including sanction(s). OSCCS selects three individuals from the CB, as a hearing panel, to consider allegations of policy violations. In addition, the CB participates in outreach and education to the university community related to the OSCCS and the Duke Community Standard. The CB is also involved in various other functions of the OSCCS including the Policy Review Committee, Monthly In-Service Trainings, and Adaptable Resolutions.

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

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



What is “preponderance of information?”

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

**Advisors.** An advisor, from the university community, may accompany a respondent or a student complainant to a CB hearing. The advisor may be from the designated list of trained student and staff advisors available through OSCCS or may be any member of the university community. A member of the university community is

defined as a current student, faculty, or staff member currently employed by the university. Please note that an exception is made for matters involving allegations of protected class discrimination and/or harassment - a complainant and respondent may bring any advisor (including an advisor from outside the campus community) of their choice to a CB hearing or any meeting.

For all matters, the advisor may not be a member of the CB and may not serve as a material or expert witness. The role of the advisor is to assist and support the student/student group through the disciplinary process. The advisor's role in a hearing is limited to quietly conferring with the student through written correspondence or whisper, and the advisor may not address any other participant or the CB.

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

**Notice.** A respondent and complainant, when applicable, will be notified of a CB hearing at least five days in advance. The notice will include the date and time of the hearing, the specific policy violation(s) at issue, the names of the hearing panel, and names of witness(es), if any. At times of the year when five days of notice is not practical due to a student's pending graduation, study abroad, or participation in a university-sponsored activity (e.g., DukeEngage), a student must either waive this right or not participate in the pending activity until the matter is resolved.

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

In cases not involving allegations of protected class discrimination and/or harassment, any additional material not included in a hearing packet that a complainant or respondent wishes to have reviewed by the hearing panel must be submitted to OSCCS no later than 3 days before the hearing. If deemed relevant by OSCCS, that material will be shared with the complainant/respondent and the hearing panel.

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

### **Hearing Panels**

A respondent and complainant, when applicable, may challenge the participation of a member of the hearing panel because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within 2 days of notification of the names of the hearing panelists. At its discretion, OSCCS will determine whether such a conflict of interest exists and whether a panelist should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

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

**Hearing Facilitator.** A staff member from OSCCS serves as a hearing facilitator and is a non-voting presence in the hearing.

**Witnesses.** The conduct officer may request the presence of any witness with pertinent information about a

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

The respondent and complainant may bring relevant material witnesses to speak on their behalf. Absent exceptional circumstances, the respondent and/or complainant should inform the conduct officer in writing at least 3 days in advance of the hearing the names of the witnesses and to what they will attest. The panel may determine the extent to which witnesses will be permitted in the hearing, including relevancy of questioning and information presented.

**Electronic Devices.** A respondent, complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the hearing panel. OSCCS will make an audio recording of the hearing to be kept on file for three years. Reasonable care will be taken to create a quality audio recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal.

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

The panel may impose time limits on any stage of the hearing procedure.

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

**Outcome.** The hearing panel will consider all relevant information provided before and/or during the hearing and reach its determination based on a preponderance of information. The hearing panel will vote and the student/group will be held responsible or not responsible for an alleged violation based on majority vote.

Upon finding a student/student group responsible for a violation of university policy, the panel may determine and impose (an) appropriate sanction(s). Consideration may be given to the nature of and circumstances surrounding the violation, the student's/student group's acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student/student group, precedent cases, university interests, and any other information deemed relevant by the hearing panel.

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

**Notification and Record of the Hearing Outcome.** Within five business days of the conclusion of the hearing, the panel chair and/or the conduct officer, will provide the parties with verbal notification of the hearing outcome. Within ten business days of the conclusion of the hearing, the parties will be provided with written notification of the hearing outcome. The written hearing outcome will contain a brief explanation of the hearing panel's reasoning.

An audio recording of each hearing will be made by the conduct officer and kept on file for three years. Reasonable care will be taken to create a quality recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal.

## SANCTIONS

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

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

### AGGRAVATING FACTOR(S)

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

### COMMUNITY SERVICE

Specified length of time during which a student or student group will perform in a service capacity beyond any volunteering with which the student/student group may already be involved. Before starting community service, it must be pre-approved by a conduct officer. Failure to complete community service within the specified period, and present verification, may result in additional hours assigned or further disciplinary action.

### 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.

### EDUCATIONAL PROJECTS/INITIATIVES

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

### FINE

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

### HOUSING LICENSE RESTRICTIONS/REVOCATION

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

### 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 another 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.

### **NO CONTACT DIRECTIVE**

A student or student 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 student group.

### **WITHDRAWAL OF PRIVILEGES**

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

### **ADMONITION**

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

### **FORMAL WARNING**

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

### **DISCIPLINARY PROBATION**

A status imposed on a student 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 restricts a student's ability to study away from Duke through the Global Education Office for Undergraduates, participate in DukeEngage, and be released early from the three-year residency requirement. It also may impact other opportunities in which a student's disciplinary record is considered as a criterion for participation.

### **DISCIPLINARY PROBATION (STUDENT GROUP)**

A status imposed on a student group for a specific period of time during which another violation of university policy or violation of any of the conditions of the probation shall result in an augmented disciplinary action, including the possibility of de-recognition.

### **RESTRICTION OF ACTIVITY (STUDENT GROUP)**

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

### **DE-RECOGNITION (STUDENT GROUP)**

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

## SUSPENSION

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/conduct officer.

Readmission as an undergraduate student in good standing 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 at least one semester or for as long as a hearing panel/conduct officer determines is appropriate. Readmission for graduate/professional students is coordinated through their respective dean.

A permanent notation 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 two withdrawals are to be in effect consecutively.

Students suspended twice as a consequence of having been found responsible for academic misconduct are eligible to apply for readmission no sooner than five years after the date of the second withdrawal.

## 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.

## APPEALS

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

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

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

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

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

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

## PROCEDURES

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

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

The following procedures guide the Appellate Board process:

- **Appeal Statement.** The written hearing report will include instructions for submitting an appeal. The chair of the Appellate Board may summarily deny an appeal if it is not based on one or both grounds of appeal.
- **Composition of Panel.** If the appeal is not summarily denied by the chair, the chair will convene a three-person panel and notify the appellant and appellee of the names of the panel members. The chair will select two (2) individuals from the Appellate Board to serve on the panel. The appellant and/or appellee may challenge the participation of an appellate panelist because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within 48 hours of notification of the names of the appellate panelists. At its discretion, the chair of the appellate panel will determine whether such a conflict of interest exists and whether a panelist should be replaced. Postponement of an appellate hearing may occur if a replacement panelist cannot be immediately identified.
- **Response to Appeal By Appellee (In Cases Involving Harassment or Sexual Misconduct).** The chair will provide written notice to the appellee that an appeal has been submitted and will give the appellee an opportunity to review the appeal statement. The appellee may submit a written response to the appeal ("response"). The response is due five business days from the date the chair provides written notice of the appeal to the appellee and is limited to five pages (12-point font, 1-inch margins). The chair will provide the appellant an opportunity to review the response, though no additional opportunity to respond in writing will be provided to the appellant.
- **Exceptions.** The appellant (and appellee as applicable) may submit to the chair requests for exceptions to page limits or deadlines. Exceptions must be requested in advance of any deadline by sending an email to [appeals@duke.edu](mailto:appeals@duke.edu), with justification for such request(s). If either party fails to meet a deadline or exceeds page limits without receiving an exception, the chair has the discretion to summarily reject an appeal or the appellate panel may disregard the response.
- **Meetings.** The appellate panel meeting gives the party(ies) an opportunity to amplify the reason(s) for the appeal or the response. Appellant (and appellee as applicable) may bring an advisor of their choice from the university community to the appellate meeting. In cases of sexual misconduct, the choice of advisor is not restricted to the university community. The advisor's role is limited to quietly conferring with the appellant or appellee through written correspondence or whisper, and may not address the appellate panel. In the event an appeal alleges a procedural error, the appellate panel may request that (a) staff member(s) in OSCCS, the Office for Institutional Equity (OIE), and/or member(s) of the hearing panel attend the meeting to gather more information about the alleged procedural error.

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

## RECORDS AND SPECIAL CIRCUMSTANCES

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### DISCIPLINARY RECORDS/STUDENT STATUS

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

### STATUS OF A STUDENT/STUDENT GROUP PENDING FINAL RESOLUTION OF A DISCIPLINARY CASE

Until a disciplinary action is fully resolved, in accordance with applicable University policy including any applicable appeal process, the status of a student/group will not change unless interim measures have been imposed to protect the health, safety, or welfare of the university community or any member of it. A student with a disciplinary action pending at the time of graduation, however, is not eligible to graduate and may not participate in commencement exercises until the student's case is fully resolved. A student currently on leave, suspended, or withdrawn from Duke who has a pending disciplinary matter is not eligible to seek readmission until that matter is resolved.

### DISCIPLINARY HOLD

The University, at any time after the initiation of a disciplinary action, and after consultation with the appropriate academic dean, may place a "disciplinary hold" on the academic and/or financial records of any student. A "disciplinary hold" may be placed to ensure full resolution of a disciplinary action prior to the scheduled date for degree conferral, or to enforce a disciplinary sanction. A "disciplinary hold" may prevent, among other things, registration, enrollment, matriculation, the release of transcripts, and the awarding of a degree. In the event a disciplinary hold is not placed prior to the conferment of a degree, or a degree is conferred in error of this policy, the University retains the sole discretion to revoke the degree in accordance with its Degree Revocation Policy.

### 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. Students are encouraged to seek advice of legal counsel when they face criminal charges.

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

University disciplinary action will normally proceed during the pendency of a criminal or civil action. A student may request, however, that the university disciplinary process be placed on hold until criminal actions are resolved. The conduct officer or designee will decide whether this request will be granted.

In such a case, interim measures may be imposed. The university reserves the right to proceed with the disciplinary process at any point.



# APPENDICES

## APPENDIX A — THE JUDICIAL SYSTEM OF DUKE UNIVERSITY

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

### AUTHORITY OVER POLICIES AND PROCEDURES

Responsibility for prescribing and enforcing rules and regulations governing student conduct rests ultimately with the Board of Trustees of Duke University and, by delegation, with administrative officers of the university and of the college and school.

The policies and procedures governing the conduct of undergraduate students may be amended at any time by the Vice Provost/Vice President for Student Affairs and may be implemented with adequate notice to the university community.

### COMMUNITY JUDICIAL BOARDS

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

### THE UNIVERSITY JUDICIAL BOARD

#### Jurisdiction

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

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

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

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

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

- The Vice Provost/Vice President for Student Affairs shall subpoena witnesses as directed by the University Judicial Board.
- The Vice Provost/Vice President for Student Affairs may delegate all or any portion of their duties as regards these judicial procedures to an aide or aides. The VPSA shall be responsible for the discharge of all duties thus delegated.

## Membership

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

## Terms of Members

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

## Conduct of the Hearing

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

## The Right of Appeal

- In cases heard by the University Judicial Board, there will be no appeal when the accused is acquitted, except in cases of harassment or discrimination, in which case a complainant may appeal the accused's acquittal.

- A student or administrator who is not a member of the faculty convicted by the University Judicial Board may appeal to the president, or in the president's absence, the provost, in which case such appeal shall be solely on the record of the proceedings before the Hearing Committee. Argument or appeal shall be on written submission, but the president may, in addition, require oral argument.
- A member of the faculty convicted by the University Judicial Board may appeal to the Faculty Hearing Committee authorized under the provisions for Academic Freedom and Tenure of Duke University.

### Status of the Accused

Charges must be prepared without delay following the alleged commission of the offense. Pending final verdict on charges against the accused (including appeal), their status shall not be changed, nor their right to be on campus to attend classes suspended, except that the president or provost may impose an interim suspension upon any member of the university community who demonstrates, by their conduct, that their continued presence on the campus constitutes an immediate threat to the physical well-being or property of the members of the university community or the orderly functioning of the university. The imposition of interim suspension requires that the suspended individual shall immediately observe any restriction placed upon them by the terms of the suspension. The suspended individual shall be entitled to a hearing within three (3) days before the Hearing Committee on the formal charges. If the individual requires additional time to prepare their case before the Hearing Committee, they shall be entitled to an informal review

of the decision imposing interim suspension by a three-person committee chosen from the members of the University Judicial Board by its chair. Interim suspension is an extraordinary remedy which will be invoked only in extreme cases where the interest of the university and members of its community require immediate action before the Hearing Committee can adjudicate formal charges against the suspended individual. If interim suspension is imposed and the accused is later found innocent, the university shall seek restitution as provided by the Hearing Committee with respect to the student's academic responsibilities incurred during the period of suspension.

### Civil and Criminal Courts

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

### 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 they have violated the university rules or have been in contempt of the board.
- **Restitution.** Payment for all, or a portion of property damage caused during the commission of an offense. This penalty may be imposed by itself, or in addition to any of the other penalties.
- **Fines.** Payment of reasonable sums to be determined by a hearing committee. This penalty may be imposed by itself, or in addition to any of the other penalties.
- **Exclusion from social activities** where the nature of the violation so indicates including, but not limited to, curfews or other revocation of upperclass privileges.

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

- Dismissal or termination of appointment.
- 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 their presence is required before the Hearing Committee.

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

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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 Student Conduct & Community Standards (OSCCS) to discuss the appropriateness of this option with respect to the nature of the offense,

as well as to learn of any prior violations by the student. If there is no record of prior offenses and the case appears to be one that, if adjudicated by a hearing 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 OSCCS.

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 OSCCS for record keeping. This resolution will not become part of the student's external 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 Student Conduct & Community Standards to discuss the appropriateness of this option with respect to the nature of the offense, as well as to learn of any prior violations. Staff in OSCCS may be reached at 919-684-6938.
- If the student has no record of prior offenses and the case appears to be one that, if adjudicated by a hearing panel, would result in probation or a sanction less severe than probation, it may be resolved between the faculty member and the student.
- The faculty member shall meet with the student and present any information relevant to the case.
- The student shall have an opportunity to respond to the allegations.
- If 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 OSCCS website at [studentaffairs.duke.edu/conduct/undergraduate-disciplinary-system/types-resolution](http://studentaffairs.duke.edu/conduct/undergraduate-disciplinary-system/types-resolution).
- Upon receipt of the proposed resolution, the student has 96 hours to consider and seek advice on whether to accept responsibility and agree to the resolution.
- If the student agrees to the resolution, the student should sign the resolution form in the presence of the faculty member. The faculty member should then forward a copy of the form to OSCCS (Box 90893).
- If the student does not accept the proposed resolution, the faculty member should refer the case to OSCCS.

## APPENDIX C – ADMINISTRATIVE ACTION POLICY

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### POLICY

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

## PROCEDURE

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

## APPENDIX D – INFORMATION AND RESOURCES CONCERNING SUBSTANCE USE

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### 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, Ritalin, amphetamines), decrease CNS activity (depressants, such as alcohol, barbiturates, tranquilizers, opiates), 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, which can lead to physical injuries, accidents, violent behavior or unpredictable mood swings;
- Acute psychotic episodes;
- Risky sexual situations, which may result in impaired sexual response, sexually transmitted diseases, unplanned pregnancy, 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; or
- 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.



## FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

### 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.

### 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 possess a firearm or ammunition.

### 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 drugs, consult the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act in the North Carolina General Statutes, Article 5, Chapter 90.

# RESOURCES FOR ALCOHOL, DRUG, AND TOBACCO CONCERNS

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## 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.

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/Outpatient Treatment Facilities

Holly Hill Hospital 919-250-7000  
3019 Falstaff Road  
Raleigh, NC 27610  
hollyhillhospital.com

Fellowship Hall 800-659-3381  
5140 Dunstan Road  
Greensboro, NC 27405  
fellowshiphall.com

## Local Outpatient Treatment Facilities

Duke Child Development and Behavioral Health 919-668-5559  
402 Trent Drive  
DUMC Box 2906  
Durham, NC 27710  
ipmh.duke.edu/content/cdbh

## Information, Screening, and Education

DuWell studentaffairs.duke.edu/duwell 919-681-8421

DuWell provides substance use screenings for students which identify risk factors and assist the student to develop a harm reduction plan with the goal to minimize problems regarding substance use. DuWell offers assistance and support for students interested in changing their substance use patterns. The office provides assistance with educational programming for student living groups and organizations.

Student Health studentaffairs.duke.edu/studenthealth 919-681-WELL (9355)

Student Health offers screening, evaluation, education and referral for alcohol and substance use/ abuse.

CONTINUED ON NEXT PAGE

# RESOURCES FOR ALCOHOL, DRUG, AND TOBACCO CONCERNS CONTINUED

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## Individual Assessment and Counseling

Counseling and Psychological Services (CAPS) [studentaffairs.duke.edu/caps](http://studentaffairs.duke.edu/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.

UNC Health Care's Alcohol and Substance Abuse Program [www.unchealthcare.org/site/healthpatientcare/alcoholsubstanceabuse](http://www.unchealthcare.org/site/healthpatientcare/alcoholsubstanceabuse) 919-966-6039

UNC offers a center for intensive outpatient treatment of chemical dependency and substance abuse. Cocaine Anonymous [ca.org](http://ca.org) 1-800-347-8998

An around-the-clock information and referral service, staffed by recovering cocaine addict counselors.

First Step Services [www.firststepnc.com](http://www.firststepnc.com) 919-833-8899

First Step specializes in intensive outpatient programs for individuals suffering from drug and alcohol abuse, stressing abstinence from mind and mood altering substances during the course of treatment.

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. [www.samhsa.gov](http://www.samhsa.gov) 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.

Academic courses related to alcohol use, treatment, and research

See course listings through the Office of University Registrar ([registrar.duke.edu](http://registrar.duke.edu)) or the Bulletin of each school.

## Support Groups

Alcoholics Anonymous (AA) [aanc32.org](http://aanc32.org) / [aanc33.org](http://aanc33.org) 919 286-9499 / 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. Meeting locations in the Durham area can be found on the AA website.

Narcotics Anonymous (NA) [na.org](http://na.org) 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 [al-anon.alateen.org](http://al-anon.alateen.org) 919-403-0687 / 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. Meeting locations in the Durham area can be found on the Al-Anon website.

For complete information regarding North Carolina state laws governing alcohol, consult the North Carolina General Statutes, Chapter 18B. 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. The complete statutes are available online at [ncqa.state.nc.us/gascripts/Statutes/Statutes.asp](http://ncqa.state.nc.us/gascripts/Statutes/Statutes.asp).

### Highlights of State Statutes

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

- Possess or consume 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.

## APPENDIX E — MISSING STUDENT NOTIFICATION

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In accordance with the Higher Education Opportunity Act of 2008, Duke University has developed a policy for notifying the designated emergency contact in DukeHub for a student who is determined to be missing.

A student may be deemed missing if it is reported to appropriate university officials (Duke Police, Residence Coordinator on-Call, or the Dean on-Call) that the student has been unreachable via personal contact, telephone, e-mail, or other means of electronic communication for 24 hours or more. If members of the Duke community believe that a student has been missing for 24 hours, it is critical that they report that information to the Duke University Police at (919) 684-2444. A Residence Coordinator on-Call or Dean on-Call who receives such a report will immediately report it to Duke University Police. Duke University will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student is under 18 years of age and not emancipated, Duke University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, Duke University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Upon determination by Duke University Police that a student is missing, the designated missing person contact will be notified as soon as possible, but no later than 24 hours after that determination that the student has been missing for 24 hours. The student's custodial parent or guardian will also be notified if that person is not the designated missing person contact and the student is under 18 years of age and not an emancipated individual. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Duke University Police will inform local law enforcement (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

Duke provides the option for each student living in an on-campus student housing facility to identify, separate from an emergency contact, a contact person or persons to whom Duke will make notification within 24 hours of the determination that the student is missing. Students are encouraged to periodically review and update their emergency contact information in DukeHub. When students enter a separate "Missing Person" emergency contact or contacts in DukeHub, that information will remain confidential and shared only with appropriate university personnel involved with a missing person investigation and law enforcement, and may not be disclosed outside of a missing person investigation.

**FEDERAL DRUG TRAFFICKING PENALTIES  
FOR MARIJUANA (SCHEDULE I)**

Drug	Quantity	First Offense	Second Offense
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 years or more than life  If death or serious bodily injury, not less than 20 years or more than life  Fine not more than \$10 million if an individual, \$50 million if other than an individual	Not less than 20 years or more than life  If death or serious bodily injury, life imprisonment  Fine not more than \$20 million if an individual, \$75 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years or more than 40 years  If death or serious bodily injury, not less than 20 years or more than life  Fine not more than \$5 million if an individual, \$25 million if other than an individual	Not less than 10 years or more than life  If death or serious bodily injury, life imprisonment  Fine not more than \$8 million if an individual, \$50 million if other than an individual
Marijuana	50 kg to 99 kg mixture; or 50 to 99 plants	Not more than 20 years  If death or serious bodily injury, not less than 20 years or more than life	Not more than 30 years  If death or serious bodily injury, life imprisonment
Hashish	More than 10 kg	Fine \$1 million if an individual, \$5 million if other than an individual	Fine \$2 million if an individual, \$10 million if other than individual
Hashish Oil	More than 1 kg		
Marijuana	Less than 50 kg (but does not include 50 or more plants regardless of weight) 1-49 marijuana plants	Not more than 5 years  Fine not more than \$250,000, \$1 million other than individual	Not more than 10 years  Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

Source: [bit.ly/federaldrugtraffickingpenalties](http://bit.ly/federaldrugtraffickingpenalties)

## FEDERAL DRUG TRAFFICKING PENALTIES

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500-4999 gms mixture	<p>First Offense: Not less than 5 years, and not more than 40 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual</p> <p>Second Offense: Not less than 10 years, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual</p>	5 kg or more	<p>First Offense: Not less than 10 years, and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual</p> <p>Second Offense: Not less than 20 years, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual</p> <p>2 or more prior offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual</p>
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule IV)	40-399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10-99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100-999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5-49 gms pure or 50-499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100-999 gms mixture		100 gms or more pure or 1 kg or more mixture	
<b>Penalties</b>				
Other Schedule I & II substances	Any amount	First Offense: Not more than 20 years. If death or serious bodily injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual		
Any drug product containing Gamma Hydroxybutyric Acid	Any amount	Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious bodily injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual</p> <p>Second Offense: Not more than 20 years. Fine not more than \$1 million if an individual, \$5 million if not an individual</p>		
All other Schedule IV drugs (other than one gram or more of Flunitrazepam)	Any amount	<p>First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual</p> <p>Second Offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual</p>		

All Schedule V drugs	<i>Any amount</i>	First Offense: Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual Second Offense: Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual
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## The Duke Community Standard

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

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

Duke | STUDENT  
AFFAIRS



