



UNIVERSITY OF
NORTHERN COLORADO

STUDENT CODE OF CONDUCT

unco.edu/student-affairs/policy



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3-2-201 Student Code of Conduct (“BEAR Code”) – Purpose and Scope

The University of Northern Colorado (“UNC”) values freedom of expression and the exchange and exploration of diverse viewpoints. UNC’s Student Code of Conduct contains Behavioral Expectations And Responsibilities. The “BEAR Code” (or “Code”) provides guidance for students so that they can exercise personal and organizational responsibility as members of the UNC community. It is expected that UNC students and registered student organizations act responsibly and consistent with the BEAR Code to promote a safe and respectful learning and living environment within the UNC community.

The Dean of Students Office is responsible to educate Students and Registered Student Organizations (“RSOs”) about the BEAR Code and to initiate and conduct proceedings involving alleged Misconduct under the Code. The outcomes of these proceedings are designed to guide Students and RSOs to act responsibly and consistent with the Code’s provisions. When they fail to do so, the outcomes may include educational requirements that guide Students’ and RSOs’ future conduct, but may also result in separation from UNC, either temporarily or permanently, based on the nature and severity of the Misconduct.

UNC does not discriminate based on disability in the course of proceedings under the BEAR Code. A student with a disability who is subject to Code proceedings may request, through the UNC Disability Resource Center (“DRC”), an accommodation for their disability and the DRC will engage with the student in the interactive process upon such a request. All such requests by students during Code proceedings are subject to an individualized process with, and a decision by, the DRC regarding disability-related accommodation(s). Whether such a request is reasonable and/or would be a fundamental alteration of the Code is a matter to be determined on a case-by-case basis after the request has been made.

The BEAR Code is contained in the University Regulations. Any additions or changes to the University Regulations must be approved by UNC’s President.

3-2-202 Application of the BEAR Code

The BEAR Code applies to anyone who is a Student who engages in Misconduct as those terms are defined in the Code. In addition, any Registered Student Organization/RSO is subject to the provisions and requirements of the BEAR Code.

- (1) A person is a Student for purposes of the BEAR Code from the time they are issued a Bear Number until the time they are awarded a degree by UNC or until their date of withdrawal from UNC, whichever occurs last. Until a degree is awarded or a person withdraws from UNC, a person’s Student status continues uninterrupted. In addition, a person is a Student for the purposes of the Code when they engage in conduct while a Student that constitutes Misconduct under the Code. Therefore, a person cannot avoid Student status under the

Code by withdrawing or by the awarding of a degree if they engaged in the Misconduct while they are a Student.

- (2) The BEAR Code applies to Misconduct by a Student that occurs on UNC Property or off-campus, including but not limited to Misconduct that occurs at UNC Sponsored Activities. It includes Misconduct that occurs between semesters or when classes are not in session.
- (3) The Dean of Students has the authority and discretion to determine, on a case-by-case basis, if the BEAR Code shall be applied to off-campus Misconduct.

3-2-203 Definitions

The following definitions apply to the BEAR Code:

- (1) **Advisor:** A person chosen by the Responding Party (if they choose to do so, and at their own expense) to assist them during the Hearing. An Advisor may have no other role in the case, including participation as a Witness, and is not permitted to speak or participate directly in the Hearing. A person who is or may be a Witness may not be an Advisor. The Responding Party's selection of an Advisor may not unduly delay the proceedings, as determined by the Dean of Students, in their discretion.
- (2) **Code Due Process:** Receipt of a Notification and the opportunity for a Hearing with the Dean of Students and to respond to the alleged Code violation(s). Code Due Process is not the same as due process in criminal or civil court proceedings.
- (3) **Dean of Students ("DOS"):** The UNC employee who is directly responsible for Student disciplinary matters, regardless of the title of the employee's position. The Dean of Students, in their discretion, may designate other UNC employees to perform the duties and responsibilities of the DOS as described in the BEAR Code. All references to the Dean of Students/DOS in the BEAR Code include any designee of the DOS.
- (4) **Hearing:** A meeting between a Responding Party and the DOS in which the Responding Party has the opportunity to respond to the alleged Misconduct summarized in the Notification.
- (5) **Interim Actions:** A restriction of a Responding Party's privileges, ordered by the DOS prior to the issuance of a Resolution when the DOS has determined that there is reasonable cause to believe the continued presence of the Responding Party on UNC Property or the Responding Party's engagement in specific activities presents an immediate and significant risk of substantial harm to themselves or others, the disruption of UNC operations or activities, or is necessary to provide reasonable protection to any person who may be

adversely affected prior to the issuance of a Resolution. Interim Actions include Residence Hall and/or University Suspension, Loss of Recognition, no contact orders, persona non grata (“PNG”) orders, and/or an order prohibiting the Responding Party from engaging in specific activities until a Resolution is issued. A Responding Party subject to Interim Actions may be, among other things, prohibited from attending classes, participating in any UNC Sponsored Activity, and/or from being present on UNC Property.

- (6) **Misconduct:** Conduct by a Student and/or RSO that, when considered in the totality of the circumstances, violates the BEAR Code regardless of where the conduct occurs. Students and RSOs are responsible for the Misconduct of their guests or agents.
- (7) **Notification:** A written document from the DOS informing the Responding Party(ies) that Reasonable Cause has been found with regard to their alleged conduct and that Code Due Process has been initiated. The Notification shall be delivered either by BearMail or by personal delivery and will summarize the Misconduct and the Code Due Process. Delivery by BearMail occurs when the Notification is time and date recorded in the inbox of the Responding Party(ies).
- (8) **Outcome:** An action described in a Resolution to be implemented with regard to a Responding Party. Outcomes include but are not limited to:
 - (a) **Warning:** Notice to a Responding Party that they have engaged in Misconduct and that further Misconduct may result in further Outcomes.
 - (b) **Probation:** A stated period during which a Responding Party is subject to review and during which the Responding party must demonstrate compliance with the BEAR Code.
 - (c) **Loss or Restriction of Privileges:** A stated period during which a Responding Party, including an RSO, is not allowed to engage in specific activities.
 - (d) **Restitution:** Monetary compensation, replacement or completion of one or more tasks or projects for loss, damage or injury to those adversely affected by Misconduct.
 - (e) **Education or Counseling:** Research, education, counseling or completion of one or more projects designed to assist the Responding Party in their appreciation of the impact of their Misconduct upon others including but not limited to a required mental health assessment.
 - (f) **Residence Hall and/or University Suspension:** A specified or indefinite period in which stated conditions must be satisfied during which a Responding Party is not allowed (a) in UNC residence halls or other

residences, (b) in specific or all areas of UNC property, and/or (c) to participate in specific activities.

- (g) **Residence Hall and/or University Expulsion:** The permanent (a) ban of a Responding Party from UNC residence halls or other residences, (b) ban of a Responding Party from specific areas, or from the entirety, of UNC property, (c) termination of a Responding Party's academic program at UNC, and/or (d) prohibition of a Responding Party from applying for future re-enrollment at UNC.
- (h) **Revocation of Admission and/or Degree:** Revocation of a Responding Party's admission to UNC or the award of a degree due to Misconduct including but not limited to fraud, misrepresentation, or plagiarism.
- (i) **Withholding Admission or Degree:** Admission of or the award of a degree otherwise earned by a Responding Party may be withheld until completion of Outcomes imposed.
- (j) **Withdrawal Agreement:** A Responding Party may, with the approval of the DOS, enter into an agreement to withdraw from UNC and not to re-apply for a specified period or permanently as part of the Outcomes imposed.
- (k) **Loss of Recognition:** Recognition as an RSO may be revoked and/or denied for a specified or indefinite period in which stated conditions must be satisfied or permanently.

The determination of the Outcome(s) imposed will be informed by the totality of the circumstances regarding the Misconduct including, but not limited to, the nature and severity of the Misconduct, the prior conduct history of the Responding Party, and reasonable and appropriate actions for the safety of adversely affected individual(s) and the UNC community.

- (9) **Preliminary Inquiry:** An informal process, during which Code Due Process does not apply, by which the DOS, in their discretion, gathers information about alleged Misconduct that is brought to its attention through information provided by, and/or outreach to, people who may have knowledge of information that is relevant to the issue of whether Misconduct has occurred.
- (10) **Preponderance of the Evidence:** Information from which the DOS concludes that it is more likely than not that Misconduct has occurred.
- (11) **Reasonable Cause:** Information that, if true, supports the proposition that Misconduct has occurred.

- (12) **Registered Student Organization (“RSO”)**: A group whose membership is comprised primarily of, and led by, currently enrolled UNC students, and is formally recognized by UNC and conferred with privileges and benefits not offered to non-recognized groups.
- (13) **Remedy**: An action described in a Resolution to be implemented with regard to specific person(s), organizations (including RSOs) or the UNC community to mitigate the effects of the Misconduct of a Responding Party.
- (14) **Resolution**: The written decision of the DOS in a Code Due Process proceeding that summarizes the matters in issue, states whether a Preponderance of the Evidence supports the proposition that the Responding Party(ies) committed Misconduct and, if so, describes the Outcome(s) imposed on the Responding Party(ies) because of the Misconduct and any Remedies implemented for those who have been adversely affected by the Misconduct. A Resolution will be delivered by either BearMail or personal delivery as is described for a Notification.
- (15) **Responding Party**: Student(s) and/or RSO(s) who have been provided with a Notification.
- (16) **Student**: A person who has applied for admission to UNC (or is otherwise stated specifically to be subject to the BEAR Code) and continuing until that person is awarded a degree from UNC, withdraws from UNC, or until the expiration of any leave of absence or suspension of the person, whichever occurs last. A person continues to be a Student for purposes of the BEAR Code with regard to all Misconduct in which the person is alleged to have engaged while a Student whether or not the person has withdrawn or been awarded a degree. If a Student attempts to avoid a Notification by withdrawal from UNC, a hold will be placed on their transcript and registration, that may remain in effect until a Resolution of the matter is achieved.
- (17) **University (“UNC”)**: The University of Northern Colorado.
- (18) **UNC Official**: Any person employed by, or authorized to act on behalf of, the University, who is performing assigned administrative or professional responsibilities in the conduct of University business.
- (19) **UNC Property**: All land, buildings and other facilities owned, leased, used, controlled, or in the possession of the University, including adjacent streets, sidewalks and paths.
- (20) **UNC Sponsored Activity**: Any activity or event, either on University Premises or elsewhere, which is initiated, aided, authorized or supervised by the University.

- (21) **Witness:** A person who has information relevant to the alleged Misconduct.
- (22) **Working Day:** Monday through Friday of each week, other than those days designated as “university holiday” or “university closed” on the UNC Calendar.

3-2-204 Misconduct

Any of the following conduct constitutes Misconduct under the BEAR Code:

- (1) **Physical Injury/Endangerment.** Conduct that has the purpose and/or effect of causing physical injury to another person, creating a substantial risk of physical injury to another person, or placing or attempting to place another person in fear of physical injury including but not limited to the creation or maintenance of health and/or safety hazards.
- (2) **Discrimination/Harassment/Retaliation.** Conduct that constitutes “Discrimination,” “Harassment,” and/or “Retaliation” as those terms are defined in the UNC Discrimination Complaint Procedures (“DCP”).
- (3) **Threatening Behaviors.** Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that, for any reason, is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any person, including but not limited to any such behavior that is directed toward a Student on the basis of their academic performance or against whom federal and state laws prohibit “Discrimination” as that term is defined in the DCP.
- (4) **Hazing.** Conduct, including but not limited to forced and prolonged physical activity; forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption; prolonged deprivation of sleep, food, or drink, that has the purpose and/or effect of endangering the health or safety of, or causing a risk of bodily injury to another person, or that destroys or removes public or private property, for the purpose of initiation, admission into, and/or affiliation with an RSO or a group or organization that engages in activities on UNC’s campus; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the State of Colorado or the United States.
- (5) **Stalking.** A threat, physical action or repeated conduct made by one person to a second person that would cause a reasonable person to fear for their safety and, in connection with such threat, action or conduct, the first person follows, approaches, contacts (either face-to-face or by mail or electronic means), places under surveillance, makes an audio or video recording of, or communicates with the second person or a third person with whom the second

person has had a continuing relationship, for the purpose and/or effect of causing serious emotional distress in the second person.

- (6) **Disorderly Conduct.** Making a coarse and obviously offensive utterance, gesture, or display in a public place that tends to incite an immediate breach of the peace.
- (7) **Rioting.** Engaging in, attempting, soliciting others, or conspiring with others to commit a public disturbance involving three or more persons that has the purpose and/or effect, by tumultuous and violent conduct, of creating grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.
- (8) **Deadly Weapons Violations.** Unlawfully carrying, bringing, being in possession of, or leaving unattended for any period, a deadly weapon (including a firearm whether loaded or unloaded, a knife, bludgeon or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, can produce death or serious bodily injury) on UNC Property.
- (9) **Theft.** Obtaining, retaining or exercising control over property of another without authorization, or by threat or deception, with the purpose and/or effect of depriving the person(s) to whom the property belongs of its use or benefit.
- (10) **Damage/Destruction of Property.** Conduct that has the purpose and/or effect of damaging or destroying UNC Property or the property of another person.
- (11) **Fire Safety Violations.** Conduct that violates federal, state, local, or campus fire policies including but not limited to causing a fire that damages UNC Property and/or causes physical injury to another person, failure to evacuate UNC Property during a fire alarm, improper use of UNC fire safety equipment, or tampering with or improperly engaging a fire alarm or fire detection/control equipment while on UNC Property.
- (12) **Trespass.** Entering or remaining on UNC Property, or the property or the motor vehicle of another, without legal authorization to do so, or using a motor vehicle, camper, trailer, or other equipment or structure as a residence or dwelling on UNC Property.
- (13) **Unauthorized Access and Entry.** Unauthorized possession, duplication or use of keys to any UNC Property, unauthorized entry to any UNC Property, and/or unauthorized propping or use of alarmed or locked doors to any UNC Property.

- (14) **Controlled Substances Violations.** Actual or attempted possession, use, distribution, manufacturing, dispensing or sale of any controlled substance prohibited by federal, state and/or local law.
- (15) **Alcoholic Beverages Violations.** Actual or attempted possession, use, distribution, manufacturing, dispensing or sale of alcoholic beverages prohibited by applicable federal, state and/or local law or by UNC policy or regulation including but not limited to consumption or possession of alcoholic beverages by students under the age of 21 and provision of alcoholic beverages to minors by students 21 years of age or older.
- (16) **Smoking, Vaping and Tobacco Violations.** Use of tobacco (or other substances including but not limited to cloves) by smoking, e-cigarettes, vape pens, or any other device used to consume tobacco products or other solid or liquid substances where use of tobacco is prohibited and/or, in the case tobacco or tobacco products, use by chewing or dipping.
- (17) **Dishonesty.** Conduct constituting:
- (a) **Academic Misconduct.** Cheating (the use, or attempt to use, academic work, material, information or study aids that are not permitted by the instructor), plagiarism (the use of another person's work or reuse of your own work without giving proper credit to the original source), fabrication (the creation of material or a source that does not exist to use as authority in academic work), or other acts of academic dishonesty;
 - (b) Providing false information to a UNC Official or other person in connection with a UNC matter;
 - (c) Initiating or circulating a false report, warning or threat that relates to any facet of UNC operations; or
 - (d) Forgery (with intent to defraud, falsely creating, completing, altering and/or utilizing a written instrument, which purports to be an authentic creation of the person identified as the creator, in connection with educational activities and/or matters related to the conduct of UNC business).
 - (e) Unauthorized use of UNC organizational names and images.
- (18) **Interference with UNC Operations.** Conduct, or directing or inciting others to engage in conduct (either face-to-face or by other methods including but not limited to electronic means) that has the purpose and/or effect of impeding the staff or faculty of UNC in the performance of their lawful duties or of impeding a Student in the lawful pursuit of educational activities (including but not limited to access to instruction, research, administrative functions, meetings, public

events, facilities, or proceedings under any UNC policy, regulation, procedure or rule).

- (19) **Failure to Comply with Directives of UNC Officials.** Failure to identify oneself to, or comply with reasonable directives of, UNC Officials, faculty or law enforcement officers in the performance of their duties and responsibilities.
- (20) **Abuse of BEAR Code Procedures.** Conduct, by a student/RSO or a person acting on behalf of the student/RSO, that has the purpose and/or effect of interfering with compliance with BEAR Code procedures including but not limited to:
- (a) Falsifying, altering or misrepresenting information submitted during BEAR Code proceedings.
 - (b) Destroying or concealing information or physical evidence during BEAR Code proceedings.
 - (c) Threatening, coercing or otherwise preventing, or attempting to threaten, coerce or otherwise prevent, a person's good faith participation in, or use of, BEAR Code proceedings.
 - (d) Instituting or participating in BEAR Code proceedings in bad faith.
 - (e) Soliciting or aiding, or attempting to solicit or aid, another person to commit an abuse of BEAR Code procedures.
- (21) **UNC Policy Violations.** Conduct that violates:
- (a) The UNC Housing & Residential Education Handbook. and/or
 - (b) Any UNC policy, rule, procedure or regulation published in hard copy and/or available electronically on the UNC website including but not limited to the Board Policy Manual, University Regulations, and all other such documents relating to student, academic, residence, information technology, athletic and/or safety matters.
- (22) **Violation of Statute.** Conduct that violates any Federal, State of Colorado, or local statute, ordinance and/or regulation.

3-2-205 Submission of Information About Misconduct

Any person may submit information or inquiries about Misconduct under the BEAR Code using any of the following methods:

- (1) Call the Dean of Students Office - (970) 351-2001

- (2) Call the UNC Police Department (UNCPD) - (970) 351-2245 (non-emergency) or 911 (emergency)
- (3) Submit an online incident report through the Dean of Students Office – <https://www.unco.edu/dean-of-students/share-concern.aspx>
- (4) Submit an online incident report through UNC Safe Campus - <http://www.unco.edu/my-safe-campus>.

Anonymous reports of Misconduct will be investigated to the extent allowed by the information provided, but anonymity may limit UNC's ability to investigate the matter effectively.

3-2-206 Time Limitations for Submission of Information About Misconduct

- (1) If the Misconduct occurred during a period in which the BEAR Code applied to the Student and/or RSO alleged to have committed the Misconduct, there is no time limit within which the Misconduct must be reported.
- (2) UNC's ability to investigate Misconduct may be improved if information about the Misconduct is submitted when it is first observed. For that reason, UNC urges people with information (or questions) about Misconduct to submit the information or questions when they arise using one of the methods described above.

3-2-207 Preliminary Inquiry After Information About Misconduct is Received

Once information about alleged Misconduct is received from any source, the DOS may proceed with a Preliminary Inquiry of the matter and may request that Student(s) and/or RSO(s) representatives and others who may have relevant information meet with the DOS to gather information about the Misconduct. As a result of the Preliminary Inquiry, the following actions may occur, any of which may be implemented in the discretion of the DOS:

- (1) That there is insufficient information to support a determination of Reasonable Cause and that no further proceedings will occur at this time;
- (2) That additional information should be gathered through a continuing Preliminary Inquiry into the matter;
- (3) That, as a result of the information gathered, one or more persons who have been contacted in the course of the Preliminary Inquiry do not contest that they have engaged in Misconduct and that a Resolution is issued about the matter or that additional discussions may occur to attempt to issue a Resolution; or

- (4) That the DOS has determined that Reasonable Cause exists, that Responding Party(ies) have been identified and that the Code Due Process should begin.

3-2-208 Reasonable Cause and Code Due Process

If, either with or without a Preliminary Inquiry, the DOS determines that Reasonable Cause exists, it may begin Code Due Process as follows:

- (1) The DOS will deliver a Notification to the Responding Party and to any UNC Official with a “need to know” in the performance of their responsibilities to UNC.
- (2) A Hearing will be set by the DOS no sooner than three (3) Working Days following delivery of the Notification to the Responding Party.
- (3) At the discretion of the DOS, Responding Parties who have been delivered Notifications that arise out of the same transaction, occurrence or relevant facts may be scheduled for a joint Hearing, rather than separate Hearings.
- (4) If a joint Hearing is set, the DOS will conduct the Hearing in a manner such that each Responding Party will hear the evidence related to their alleged Misconduct and be permitted to present evidence separately in response.
- (5) The Responding Party is requested to submit to the DOS a list of any witnesses and/or evidence for review prior to the scheduled Hearing.
- (6) The Hearing is not public and people other than the DOS, the Responding Party, and the Responding Party’s Advisor may only be allowed by mutual consent of the DOS and the Responding Party.
- (7) The DOS will conduct the Hearing, at which Hearing the Responding Party is responsible for presenting their own evidence but may be assisted by an Advisor within the limitations of the Advisor’s role as described in Section 3-2-203(1), above.
- (8) If the Responding Party’s Advisor at the Hearing is legal counsel, then the DOS may also decide to have legal counsel present at the Hearing.
- (9) The DOS will present evidence that supports the proposition that the Responding Party committed Misconduct.
- (10) The DOS may impose limits upon the number of witnesses or amount of evidence that may be submitted if the evidence is repetitive or not relevant to the Misconduct alleged.

- (11) Rules of evidence or procedure used in court proceedings do not apply in the Hearing and general considerations of relevancy and fairness will be used by the DOS during the Hearing.
- (12) After all the evidence is presented at the Hearing, the DOS must decide whether the Preponderance of the Evidence supports a determination that the Responding Party has committed Misconduct.
- (13) A Resolution that Misconduct has occurred must be supported by a Preponderance of the Evidence and the burden is on UNC to do so.
- (14) After the Hearing is completed, the DOS will issue a written Resolution of the matter and will provide a copy of the Resolution to the Responding Party and to any UNC Official with a “need to know” in the performance of their responsibilities to UNC;
- (15) If the Responding Party is found to have engaged in Misconduct, the Resolution will describe the Outcome(s) imposed, including any Remedy(ies) implemented with respect to people adversely affected by the Misconduct, and provide information about how the Responding Party may file a written appeal of the Resolution’s determination of Misconduct and/or the Outcome(s) imposed, if they choose to do so.
- (16) People who have been affected adversely by the Misconduct that was the subject of the Hearing may be informed of the Resolution to the extent reasonable and necessary and to allow effective imposition of Outcome(s) and effective implementation of Remedy(ies).
- (17) Other than described above, the Resolution will not be a public document and will not be provided to others unless required by applicable law or a subpoena issued by a court of competent jurisdiction.

3-2-209 Interim Actions

The DOS has the authority to order Interim Actions including suspension, no contact orders, persona non grata (“PNG”) orders, and/or an order prohibiting the Responding Party from engaging in specific activities (including but not limited to participating in any UNC Sponsored Activity, classes in-person or in a virtual format, or being present on UNC Property) until a Resolution is issued. These orders are issued to mitigate immediate and significant risks of substantial harm, or provide protection, to a Responding Party or others, or prevent disruption of UNC operations or activities.

3-2-210 Appeal Procedures

If a Responding Party is determined to have committed Misconduct, the Responding Party may file a written appeal of the Resolution's determination of Misconduct and/or the Outcome(s) imposed as follows:

- (1) A Responding Party may appeal the Resolution on one or more of the following bases:
 - (a) Denial of Code Due Process (that is, a claim that Code Due Process provided in the Code was not provided to the Responding Party in one or more respects); or
 - (b) Existence of additional evidence (that is, a claim that the Responding Party is aware of additional evidence (other than evidence or written statements about the character of the Responding Party) that was not available at the time of the Hearing and that the additional evidence is sufficiently substantial to change the outcome of the Hearing as determined in the Resolution in a significant manner); or
 - (c) The Outcome(s) were inappropriate given the nature of the Misconduct that was committed (but only as to those Outcomes described in Section 3-2-203(8)(f), (g), (h), (i), and (k).)
- (2) If evidence or written statements about the character of the Responding Party are submitted in an appeal, all such information will be removed from the appeal record, and not provided to the appeal reader(s).
- (3) A Responding Party may only appeal a Resolution once on the basis described in subsection (1)(c), above.
- (4) The appeal does not involve a new Hearing in the case.
- (5) The appeal is based on the Hearing record and the Resolution issued in the Hearing (and, if the appeal is based on "additional evidence" under subsection (1)(b), above, the additional evidence that is claimed was not available and would have been sufficiently substantial to change the outcome of the Hearing.)
- (6) In order to appeal, the Responding Party must submit a Statement of Appeal Form to the DOS within five (5) Working Days following delivery of the Resolution to the Responding Party.
- (7) If the Statement of Appeal Form is not filed within the five (5) Working Day period, the appeal is untimely and will not be considered.

- (8) An appeal on one or more of the bases described above, and submitted by the deadline stated above, will be reviewed by one or more appeal readers, who will be appointed by the DOS.
- (9) The appeal reader(s), after reviewing the record and the Statement of Appeal, will issue a written decision that addresses each basis under subsection (1), above, on which the Resolution is appealed.
 - (a) If the Resolution is appealed on the basis of subsection (1)(a), above, the written decision of the appeal reader(s) must either (i) affirm the Resolution or (ii) reverse the Resolution, describe the Code Due Process that was not provided in the case, and remand the case to the DOS for further proceedings beginning at the earliest point at which the Code Due Process was not provided and to proceed forward until all Code Due Process is provided to decide whether the Preponderance of the Evidence supports a determination that the Responding Party has committed Misconduct, at which time the DOS will issue a Resolution on remand.
 - (b) If the Resolution is appealed on the basis of subsection (1)(b), above, the written decision of the appeal reader(s) must either (i) affirm the Resolution or (ii) reverse the Resolution, describe the “additional evidence” that should be considered in the case, and remand the case to the DOS for further proceedings in which the “additional evidence” is introduced in the Hearing and considered to decide whether the Preponderance of the Evidence supports a determination that the Responding Party has committed Misconduct, at which time the DOS will issue a Resolution on remand.
 - (c) If the Resolution is appealed on the basis of subsection (1)(c), above, the written decision of the appeal reader(s) must either (i) affirm the Resolution or (ii) provide a nonbinding recommendation to the DOS that the Outcome(s) in the Resolution be modified, describe why, in the opinion of the appeal reader(s), the Outcome(s) are inappropriate given the nature of the Misconduct that was committed, and remand the case to the DOS for their consideration of the nonbinding recommendations of the appeal reader(s), provided however, that the DOS, in their sole discretion, may accept all, some, none of the nonbinding recommendations of the appeal reader(s) when issuing the final Resolution on remand.
- (10) A Responding Party who appeals the Resolution or a Witness, and/or any person(s) acting on behalf of the Responding Party or a Witness, may not have contact with the appeal reader(s) while the appeal is pending or after written decision of the appeal reader(s) is issued regarding the subject matter of the Code Due Process proceeding, including but not limited to, the Hearing, the Resolution or the appeal of the Resolution.

- (11) After the DOS issues the Resolution, such Resolution and its Outcomes(s), once issued, remain in force and effect unless and until, if applicable:
 - (a) The Resolution is reversed under subsection 9(a)(ii) and/or 9(b)(ii); or
 - (b) Following a remand to the DOS under subsection 9(c)(ii), the DOS issues a final Resolution that modifies the original Resolution.

3-2-211 Academic Integrity and the BEAR Code

- (1) Academic integrity is a foundation of UNC, and it is expected that Students will conduct themselves in a manner that demonstrates care and excellence in their academic pursuits. Learning how to express original ideas, cite sources, work independently, and share results accurately and honestly are transferrable skills for students beyond their academic career.
- (2) Behavior that violates academic integrity is commonly referred to as academic misconduct and is included in the definition of "Misconduct," above. Thus, the BEAR Code applies to issues of Academic Misconduct.
- (3) A Student who has been found to have committed multiple Academic Misconduct violations may also be subject to other additional Outcomes under the BEAR Code that may be imposed by the Dean of Students.
- (4) Any person may submit information or inquiries about Academic Misconduct by using the methods outlined as described in Section 3-2-205, above. A faculty member who is concerned that a Student may have committed Academic Misconduct may, in their discretion, deliver a Notification to the Student and/or meet with the Student to discuss the matter and provide evidence of Academic Misconduct. In either case, the faculty member must submit a report to the Dean of Students describing the alleged Academic Misconduct.
- (5) The purpose of a meeting between the faculty member and the Student is:
 - (a) for the faculty member to explain and present evidence to the Student about the Academic Misconduct allegation and
 - (b) to allow the Student an opportunity to provide information in response to the alleged Academic Misconduct. At any stage in the process of the faculty member's contact with the Student, the faculty member may consult with their program chair, college Dean's office, the student's advisor, or Dean of Students.
- (6) After the meeting with the Student:

- (a) If the faculty member determines that Academic Misconduct did not occur, the matter will be closed.
- (b) If the faculty member determines that Academic Misconduct did occur the faculty member will also determine an outcome that is appropriate and consistent with UNC policy and the course syllabus, and that may include one or more of the following:
 - (i) A grade reduction on the assignment or exam in which the Academic Misconduct occurred;
 - (ii) A grade of “F” on the assignment or exam in which the Academic Misconduct occurred;
 - (iii) A grade reduction in the course in which the Academic Misconduct occurred; or
 - (iv) A grade of “F” in the course in which the Academic Misconduct occurred.
- (c) If the faculty member determines that other educational outcomes are appropriate, they may consider:
 - (i) Requiring an additional assignment(s);
 - (ii) Assignment of a reflection essay related to the Academic Misconduct; and/or
 - (iii) Other educational outcome(s) as assigned.
- (7) The faculty member will deliver a Resolution to the Student and will also provide the Resolution to the DOS.
- (8) If a Student is found to have committed Academic Misconduct, they may file an appeal if allowed under the Academic Appeal Procedure found at Section 2-1-201 of the UNC Board Policy Manual.