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THE FUQUA 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 nonacademic endeavors, and to protect and promote a culture of integrity.

To uphold the Fuqua 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 Fuqua Community Standard embodies Fuqua’s Guiding Principles (Honor Code, Learning Partnership, Diversity Statement, and Team Charter). 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 region of the world 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. The Honor Code is a driving influence in 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 Community 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 the Fuqua experience, in academic and co-curricular activities alike: in the classroom, hotels, regions of the world, 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 Fuqua Community Standard.

The Standard, therefore, expresses our goals for the Fuqua community in the broadest sense and is foundational to life as a Duke student. 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 Fuqua experience 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.

Students’ Obligation to Act

The Fuqua community stresses the commitment that students share with all members to enhance the climate for honesty, fairness, respect, and accountability at Duke University. Other than situations involving the Fuqua Honor Code, there are no disciplinary sanctions associated with the failure to act; however, 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 the Fuqua School of Business staff 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 refer to the Fuqua Honor Code.

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 Fuqua Community Standard. These policies reflect Duke University'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.

The Fuqua School of Business may conduct off-campus programs and residencies during which students, faculty, and staff reside in off-campus facilities across or outside of the United States. Students of The Fuqua School of Business represent the School and Duke University at all times during these off-campus programs and residencies. As such, they are expected to conform to the University's and School's policies and standards regardless of whether or not they are participating in an official, program-related activity at the time.

When attending programs and residencies across or outside of the United States, students are expected to conform to local laws and those customs appropriate for foreign travelers. In these circumstances, students are often being held to two different standards of behavior. One standard is reflected in the local law and custom. The other is the standard of behavior expected by The Fuqua School and the student's program. Given circumstances where these two standards conflict, students are expected to conform to the more conservative or restrictive norms.

Students and 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, as well as laws of the country in which Fuqua students may be present under the auspices of The Fuqua School, the following policies govern the Fuqua community.

Alcohol

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

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

- All possession, consumption, and distribution of alcohol at Duke University shall be in accordance with applicable North Carolina state laws.
- Members of the Duke community are responsible for behaving in a manner that is not disruptive or endangering to themselves or others. Being under the influence of alcohol shall not be a mitigating factor for an individual's behavior.
- When persons under 21 years of age can reasonably be expected to be present at an event, proper precautions must be taken to restrict distribution and consumption of alcohol to persons of legal drinking age.
- Advertising or other communication that references the availability of alcohol at a function may neither promote alcohol as the focus of the event nor promote excessive drinking.

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

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

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

- driving;
- exhibiting disorderly conduct, damaging property, and/or fighting;
- littering;
- running away or hiding from university or public officials, including law enforcement;
- vomiting and/or urinating in public; and
- cursing and/or shouting at others.

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

- Only university-approved bartenders are permitted to distribute alcohol on campus, including alcohol from common-source containers.
- All students on university property consuming or possessing alcohol must carry a valid driver’s license, state identification card, military identification card, or passport.
- Alcohol may not be brought in glass containers to on-campus BYOB events.
- No alcoholic beverages are permitted within the confines of campus athletic facilities during sporting events.
- The use of alcoholic beverages as a prize is prohibited.
Health and Safety Intervention
Because health and safety of students are of primary importance, students are encouraged not only to look out for their own health and safety but also for that of their peers. When a person’s health and/or safety is threatened or appear(s) to be in jeopardy, immediate action should be taken to prevent injury/illness/danger. The action may be a call to Duke Police (911; 684-2444 from non-campus phones) or Student Health¹ (681-WELL (9355)) for assistance and guidance. Whatever the particular need/problem, it is important to respond in a responsible and timely manner.

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

A student who receives medical assistance may be required to meet with a substance abuse specialist for education, assessment, and possible referral for treatment. The student may also be required to complete an educational assignment. A group that facilitates the acquisition of alcohol 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 fails to meet with the specialist, chooses not to participate in the treatment program outlined, or exhibits a pattern of abusive behavior with alcohol, the student may be subject to formal disciplinary action and/or placed on a Leave of Absence or Involuntary Administrative Withdrawal until he/she produces documentation that appropriate treatment has been successfully sought.

Resources
The following resources are available to members of the Duke community:
- Duke Police and Emergency Medical Service: 911 or (919) 684-2444. Professionals will respond to assess the medical needs of an individual who is incapacitated or at-risk.
- Counseling and Psychological Services: (919) 660-1000. CAPS offers evaluation, consultation, counseling, and referrals for students concerned about alcohol use.
- Personal Assistance Service: (919) 416-1727. PAS offer assessment, short-term counseling, and referrals for employees and faculty members concerned about alcohol use.
- Duke Addictions Program: (919) 684-3850. DAP offers evaluation, consultation, and treatment for individuals with alcohol and other substance abuse issues, as well as support services for family members.
- Holly Hill Hospital: (800) 447-1800. 24-hour confidential advice on alcohol abuse.

Classroom Disruption
Students who behave in the classroom in such a way that the educational experiences of other students and/or the instructor's course objectives are disrupted are subject to disciplinary action. 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

¹ Only applicable to Daytime MBA and MMS students.
electronic devices (including cellular telephones); cursing or shouting at others in such a way as to be disruptive; or, other violations of an instructor’s expectations for classroom conduct.

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

- any unreasonable or reckless conduct by an individual or group that is inherently or potentially unsafe to other persons or their real or personal property; and/or
- any behavior by an individual or 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: 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.

Drugs and Drug Paraphernalia
Though a portion of our programs may take place outside of North Carolina, as a policy The Fuqua School of Business applies North Carolina statues to all of its programs. Duke University prohibits members of its community, both individuals and groups, from manufacturing, selling, delivering, possessing, using, or being under the influence of a controlled substance without legal authorization as defined under North Carolina statutes. A controlled substance includes any drug, substance or immediate precursor covered under the North Carolina Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens.

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

In addition to disciplinary action for a violation of this policy, the Fuqua School of Business may require a student to take a leave of absence, and return to campus may be conditional upon proof of completion of a substance abuse treatment program.

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

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

- directions, requests, sanctions rendered as a result of a disciplinary process, or orders of any university representative or body acting in an official capacity, or impeding with the carrying out of such directives;
- instructions of law enforcement officials acting in an official capacity; and/or sanctions rendered during the disciplinary process
Falsification/Fraud
Honesty and integrity are critical components of the Fuqua Community Standard. A student or 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.

Gambling
It is against North Carolina state law and Duke University policy to gamble, with the exception of the state lottery. A person/organization is gambling if he/she/it operates, plays, or bets at any game of chance at which any money, property, or other thing of value is bet. Raffles of any kind, including those sponsored by student groups, are also prohibited. 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.

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

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

**Level I Violations**
- marching in line
- road trips
- wearing apparel which is conspicuous and not normally in good taste, and/or inappropriate for the time of year
- calisthenics
- line-ups
- pledge/signature books
- periods of silence
- standing for a length of time
- personal servitude
- activities that would not normally construe hazing but because of time, place, or manner make them inappropriate

**Level II Violations**
- sleep deprivation or interruption of consecutive sleep hours
- expected or forced consumption of food, drink (including alcohol), or other substance
- acts of humiliation or degradation (including streaking or wearing degrading or humiliating apparel)
• restrictions on eating or bathing
• acts that disrupt academic instruction or learning of others
• interruption or interference of academic commitments

Level III Violations
• branding
• paddling in any form
• compromising (sexual) situations

Both individuals and groups may be held accountable under this policy. The action of even one member of a group may result in both individual and group responsibility. The following questions can help individuals/groups assess the appropriateness of an activity:
• Does the activity promote and conform to the ideals, values, and mission of both the university and organization?
• Is it an activity that all members (current and initiates) engage in together?
• Would the group’s advisor, the national headquarters of a fraternity/sorority, and/or other university officials approve of the activity?
• Will this activity increase new members’ respect for the group and all members of the group?
• Is the activity free of mental anguish or physical discomfort?
• Does the activity have inherent value in and of itself?

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

The Duke Harassment Policy
The Duke Harassment Policy is an important component of our commitment to work and learning environments that are inclusive, respectful and free from harassing conduct. The harassment policy prohibits harassment of any kind. It includes, but is not limited to, sexual harassment. The harassment policy applies to all persons enrolled at or employed by Duke University or Duke University Health System. The full harassment policy can be found in the student bulletin or by using the above link.

Duke’s policy prohibiting discrimination insures that all members of the community are provided equal employment opportunity regardless of his/her race, color, sex, religion, national origin, disability, sexual orientation, veteran status, gender identity, or age.

Harassment occurs when either:

• There is conduct that, because of its severity and/or persistence, interferes significantly with an individual’s work or education, or adversely affects an individual’s living conditions; or
• A person uses a position of authority to engage in unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature.
• The Duke Harassment Policy prohibits retaliation against you for reporting a concern, filing a complaint, or participating in an investigation of harassment.

2 The full policy can be found at the following link: http://studentaffairs.duke.edu/conduct.
• The conduct that is complained about is evaluated from the perspective of a reasonable person similarly situated to the person complaining and in consideration of the context of the behavior.
• You should also know that harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

Discrimination/Equal Opportunity

Duke University prohibits discrimination and provides equal employment opportunities without regard to race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex or age. These demographic traits are commonly referred to as protected classes. Prohibited discrimination occurs when you are subjected to an adverse employment action based upon one or more of the protected classes above.

Title IX

There are various federal laws that address discrimination issues. One such law, Title IX of the Education Amendment Act of 1972, requires all entities receiving any form of federal funds and financial assistance to prohibit sex discrimination in their education programs or activities. Title IX applies to all aspects of education programs and activities at Duke University.

Duke University and Health System have a responsibility to ensure compliance by demonstrating that our education programs or programs are operated in a manner consistent with Title IX regulations and provisions.

Sexual harassment is a form of discrimination prohibited by Title IX. If you feel you have been subjected to sexual harassment or discrimination, you should seek assistance as soon as possible. The Office for Institutional Equity is responsible for implementing and monitoring Duke University and Duke University Health System Title IX compliance.

Dr. Benjamin D. Reese, Jr., Ph.D., Vice President, Office for Institutional Equity is the Title IX Coordinator. Contact Dr. Reese.

Retaliation is Prohibited

You have the right to raise concerns, ask questions about our policies prohibiting harassment or discrimination. You also have the right to submit a complaint under our harassment, non-discrimination policies or Title IX.

How Can We Help

Our policies help to insure the Duke community is free from harassing and discriminatory behavior. The Office for Institutional Equity is here to help assist you in an effective and efficient manner. If you feel you are experiencing harassing conduct or discrimination, the most important thing you can do is to get help. Important resources to assist you are explained below.

Who Should I contact?
If you think you have been harassed or you have any questions about the harassment policy, you can get help from any of the following:

- Duke’s Student Affairs Office of Student Conduct;
- the harassment prevention advisor for your program - contacts are noted in the Fuqua Bulletin;
- your program Dean; or
- You may also directly contact Duke’s Office of Institutional Equity; their telephone number is: (919) 684-8222.

Disability & Accommodations Grievance Procedure

This program also provides a grievance procedure for resolution of complaints from faculty, students, staff and the public alleging discrimination based on disability, the Disability Accommodations Grievance Procedure. Individuals who have been denied accommodations through the Disability Management System Office may also utilize the grievance procedure. For more information, please contact our office.

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

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

[Wording adopted from Eastern Michigan Student Conduct Code]

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

- physical violence (initiating or responding to) or attempted physical violence against another person or group. This includes fighting.
- threat of physical violence against another person or group.
- any action that endangers the health, safety or welfare of a person or group.
- attempting to, or actually harming oneself.

[Wording adopted from Eastern Michigan University Student Conduct Code.]

Sexual Misconduct

Introduction. Sexual misconduct, including acts of sexual violence, is a form of sexual harassment that is prohibited under federal law and the Duke University Harassment Policy. The following special policies and procedures are in place
regarding allegations of student-to-student physical sexual misconduct. Complaints of sexual misconduct in which
either the complainant or respondent is not a student are addressed through the Harassment Policy. Complaints of
non-physical sexual harassment between students are addressed through the Harassment Policy using the
undergraduate/graduate/professional school disciplinary process as applicable. Complaints regarding student-to-
student physical sexual misconduct may be filed with the director of the Office of Student Conduct (919-684-6938;
conduct@duke.edu; http://www.dukejams.com; 107 West Union Building; Box 90893, Durham, NC 27708).

The Office for Institutional Equity (OIE) is responsible for implementing and monitoring Duke University's compliance
with federal regulations concerning harassment and discrimination. Concerns, complaints, or questions may be
directed to the Title IX coordinator, Dr. Benjamin Reese, Jr., Vice-President for Institutional Equity, Office for
Institutional Equity, 114 S. Buchanan Blvd. Bay 8, PO Box 90012, Durham, NC 27708. His phone number is (919) 684-
8222 and his email address is ben.reese@duke.edu.

Retaliation prohibited. Federal regulations and university policy protect against retaliation directed at any individual
who files a complaint under this policy or participates in a complaint investigation. A complaint of retaliation may be
initiated with Dr. Reese for any retaliatory actions resulting from the filing of a complaint under this policy.

NOTE: Any university employee—as well as any student who serves in a peer-advising role (e.g., resident assistant
or first-year advisory counselor)—informed of an allegation of sexual misconduct involving a student is expected
to notify the Office of Student Conduct. University employees who serve in a professional role in which
communication is privileged under North Carolina law (e.g., medical providers, therapists, rape crisis counselors,
clergy) are not bound by this expectation, except as required by law.

Upon receipt of a report the Office of Student Conduct will take appropriate responsive action to ensure that the
educational environment at Duke University is free of discrimination and a hostile environment. Additionally, as
appropriate, steps may be taken to remedy the effects of the harassment on the complainant. This may include
commencement of the disciplinary process against an accused student.

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

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

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

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

Additional information including examples of sexual misconduct, support services, resources, and procedures can be found in Appendix B and online at: [http://studentaffairs.duke.edu/conduct](http://studentaffairs.duke.edu/conduct).

**Solicitation**
Recognized student organizations may use the West Campus Plaza for the purpose of sales, distribution, or promotion of events (also known as “tabling”). Tabling is administered by University Center Activities & Events. Contact UCAE at 919-684-4741, 101 Bryan Center, or visit: [http://www.events.duke.edu/facility/ucae/](http://www.events.duke.edu/facility/ucae/) for more information and detailed guidelines. Solicitation is prohibited within a 200-foot radius of the West and East Campus bus stops. Commercial or outside solicitors (including student employees of outside vendors) are prohibited without permission of the appropriate space manager.

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

**Unauthorized Surveillance/Photography**
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, without that individual's express/explicit consent, 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.

[[Wording adopted from Rice University.]]

**Weapons/Firearms/Explosives**
Though a portion of our programs may take place outside of North Carolina, as a policy The Fuqua School of Business applies North Carolina statues to all of its programs. It is against North Carolina state law and 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 president for Student Affairs (or his/her designee) for legitimate educational purposes, students are not permitted to possess and/or use on campus any weapon, including but not limited to 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

Other violations for which students or 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 document.
- Acting as an accomplice through action or negligence to the commission of any prohibited act.
- Attempting or intending to commit any violation of laws and/or university policies.
- Violating local ordinances or state or federal laws (as determined through the university’s disciplinary process), including those related to noise, housing occupancy, and/or the use or distribution of alcohol.

The Disciplinary Process

Bringing a Complaint Against a Student or Group

Complaints regarding student or group behavior may be filed with the Fuqua School of Business, or in cases of harassment, with the Office for Institutional Equity. These offices work together in order to determine the most appropriate venue for resolution. In any situation where a party is unsure of whom to call, he/she may contact his/her academic program office.

Any alleged violation of university policy, including academic dishonesty, is within the scope of the Fuqua School of Business. If the Fuqua School of Business determines that another office is more appropriate to handle the situation, the case may be referred to that office.

Interim Restrictions

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

An interim suspension from the university may be imposed by the dean of the school, or designee, and shall become effective immediately without prior notice whenever there is evidence that the continued presence of the student poses a substantial and immediate threat to him/herself, to others, or to the university community. 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 to participate fully in all aspects of the disciplinary process. If a student elects not to participate in any part of the process (e.g., submitting a written statement or participating in a hearing), the Fuqua School of Business may proceed without benefit of that student's input. A student will be held accountable for any sanctions issued as a result of a hearing.

Investigation

The academic program designee 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 involved in the alleged incident, and review of material available electronically.
Students are encouraged to be forthright and as specific as possible when offering information related to an investigation, but may choose the extent to which they share information.

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

**Referral for Disciplinary Action**

If a case is referred for disciplinary action, the student will be notified of the incident in question and the policy violation(s) under consideration, and will be given an opportunity to respond. There are several means by which to resolve disciplinary situations.

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

**Resolution through Agreement**

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

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

**Disciplinary Hearing Types**

There are two types of hearings. Most cases are decided upon through an administrative hearing, which is a discussion between the student/group and the Associate Dean or designee. Cases that are serious in nature, involve complicated facts, and/or involve students/groups with previous disciplinary violations may be forwarded to the Fuqua Conduct Board (FCB) for resolution. Students who face a possible sanction of suspension or expulsion may request to have his/her case heard by a panel of the FCB. Groups who face possible dissolution may request a hearing by a panel of the FCB.

**Administrative Hearings**

An administrative hearing is a discussion between a student/group alleged to be in violation of university policy and an academic program designee. Students/groups will be notified (typically via e-mail) of the specific violations under consideration in advance of an administrative hearing. The Associate Dean, or designee, will review the complaint with the student or group and give the student/group an opportunity to respond. The Associate Dean or designee will determine whether the student/group is responsible for the alleged policy violation, and, if so, issue (an) appropriate sanction(s). Administrative hearings are conducted in private.
Upon proper notice, if a student/group fails to attend an administrative hearing, the Associate Dean, or designee, may proceed to resolve the case without benefit of that student’s/group’s input.

All decisions of responsibility are based on clear and convincing information, except for allegations of discrimination and/or harassment-related behaviors (including sexual misconduct), which are decided based on the standard of preponderance of evidence. In determining sanctions, the Associate Dean, or designee, will take into account the interests of the student/group and the university, previous violations of the student/group, and prior university response to similar violations.

The Associate Dean, or designee, has the right to refer the case discussed in an administrative hearing to the Fuqua Conduct Board. Additionally, if a student/group does not accept the administrative hearing resolution, he/she/it may request by the stated deadline a hearing before the Fuqua Conduct Board.

**Fuqua Conduct Board Hearings**
The Fuqua Conduct Board is a group of faculty and staff appointed to hear infractions of university and Fuqua policy. The board is charged with determining whether a student’s/group’s actions constitute a violation of Fuqua or university policy and, if so, an appropriate response. In determining an appropriate response, consideration is given to the student’s/group’s interests as well as the university’s interest in maintaining high standards.

The Senior Associate Dean of Programs, or designee, will appoint five panelists which will include a combination of faculty and staff. One panelist will be appointed to be the chair of the hearing panel. The Chair is responsible for running the proceedings and moderating all discussions.

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

**Accused Students.** Accused students are entitled to the following procedural rights when facing a hearing before the Fuqua Conduct Board:

- to be informed that he or she is under investigation;
- the right to seek advice from other members of the Fuqua community;
- to be given an opportunity to respond to allegations;
- to choose the extent to which he or she shares information;
- to be notified of a hearing at least 120 hours (five days) in advance (notification will include the time, date and location of the hearing and witnesses); to know of and review written evidence and charges presented to the hearing panel at least 120 hours (five days) in advance;
- The right to have an advisor from the university community present at the Conduct Board hearing, although it is not the responsibility of The Fuqua School of Business to provide such an advisor;
- to have up to two character statements submitted on his/her behalf that may not specifically address the issue at hand;
- to a fair and impartial hearing;
- to rebut any witness testimony presented against him or her;
- to present additional witnesses or information at the hearing (the relevancy of which may be determined by the Board);
The Fuqua Community Standard

- to be found responsible only if the evidence meets a clear and convincing burden of proof (or preponderance of evidence standard in discrimination and/or harassment-based allegations); and
- to appeal based upon clearly stated grounds.

Advisors. Accused students are encouraged to seek advice and support from whomever they choose throughout the disciplinary process. The advisor may not be a member of the FCB and may not serve as a material or expert witness. The role of the advisor is to assist and support the student through the disciplinary process. The advisor may not address the hearing panel or any witness during the hearing. An advisor who attends a board hearing with a student must be a current Duke student, or a Duke-employed faculty or staff member.

An advisor may accompany a complainant to any FCB hearing including a case involving discrimination and/or harassment. The advisor must be a current Duke student or a Duke-employed faculty or staff member.

Notice. An accused student will be notified of a FCB hearing at least 120 hours (five days) in advance. The notice will include the date and time of the hearing, the specific charges at issue, and copies of all written information given to the hearing panel. The conduct officer also may include information clarifying or noting any additional information gathered through the investigation without expressing any personal opinion about the merits of the case. At times of the year when 120 hours of notice is not practical due to a student’s academic calendar, pending graduation, study abroad, GATE trip, program residency, or participation in a university-sponsored activity, a student must either waive this right or not participate in the pending activity until the matter is resolved.

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

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

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

The accused student/group may bring relevant material witnesses to speak on his/her/its behalf. Absent exceptional circumstances, the accused student/group should inform the conduct officer in writing at least 24 hours 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.

Two written character references may be submitted to a hearing panel before a hearing begins. Character references may only address the character of the accused and may not address the specific issue at hand. An accused student also may request the attendance of any person who has submitted a written statement against him/her.

Procedure. The general course of procedure for FCB hearing is as follows: introductions; confirmation that the accused understands his/her rights; reading of the chargers; plea(s) from the accused; opening comments from complainant(s) (if applicable); opening comments from accused; questions; testimony/questions of other material witnesses (if applicable); closing comments from complainant (if applicable); closing comments from accused.
The panel may impose time limits on any stage of the procedure. The panel may also determine the relevance of any witness or information to be presented and/or considered.

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

**Outcome.** Based on clear and convincing information (or preponderance of evidence in discrimination and/or harassment-based allegations) considered during the hearing, the panel may find a student/group responsible for an alleged violation by majority vote. The panel, also by majority vote, may dismiss any charge.

Upon finding a student/group responsible for a violation of university policy, the panel may determine and impose an appropriate sanction(s). Consideration may be given to the nature of and circumstances surrounding the violation, the student's/group’s acceptance of responsibility, prior disciplinary violations, the impact of a sanction on the student/group, precedent cases, university interests and any other information deemed relevant by the hearing panel. All sanctions must be decided by majority vote with the exception of suspension or expulsion of an individual or dissolution of a group. These sanctions must be supported by at least 4 of the 5 members of a panel.

**Notification and Record of the Hearing Outcome.** The panel chair and/or academic program designee will notify the accused student/group of the outcome of the hearing. A written hearing report describing the outcome, with a brief explanation of the reasoning, will be given to the accused student/group. A copy of the written hearing report will be placed in the precedent files with any personally identifying information removed. (The precedent files are not updated immediately in order to help protect confidentiality.)

The complainant will be informed of the outcome of a hearing in accordance with federal guidelines. An audio recording of each hearing (does not include deliberations) will be made by the Fuqua Conduct Board 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**

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

**Expulsion**

Dismissal and permanent removal from the university without possibility of readmission or reinstatement. A permanent notation to that effect is made on the student’s permanent academic record.
Degree Revocation
A student’s degree may be revoked. In such a case, a permanent notation to that effect is made on the student’s permanent academic record.

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

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

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

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

In the event that a disciplinary suspension and an academic withdrawal occur simultaneously, the two withdrawals are to be in effect consecutively.

Dissolution (Group)
The privilege of a group to be recognized at Duke University also may be suspended or revoked (dissolution).

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 may include a restriction of the student’s privileges or eligibility for activities.

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

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

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

No Contact Order
A student 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.

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

Mental Health/Medical Assessment and/or Treatment
A student may be recommended or required to seek a mental health/medical assessment from CAPS, Student Health, or other appropriate professional. The Fuqua School of Business 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.

Appeals
A student/group found responsible through a hearing of the Fuqua Conduct Board (or, a complainant in a discrimination or harassment-related case) or an Administrative hearing may appeal the outcome of the hearing by the stated deadline. The appeal is not a re-hearing of the case; it is a written statement to the Dean of the Fuqua School of Business, or designee, specifically stating the grounds for the appeal and any supporting information. The exclusive grounds upon which an appeal may be made are:

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

The Dean, or designee, will review the appeal, the hearing report and any evidence included in the hearing. (In cases of suspension or expulsion for individuals and dissolution for groups, the accused may make a written request in the appeal to meet with the Dean or designee. When granted, the student or group president will meet alone with the Dean or designee.) The Dean, or designee, may consult in confidence with other members of the university community (or persons brought forth by the student/group as part of the appeal) in order to substantiate the grounds for appeal or to seek clarification of issues raised in the appeal.

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

Disciplinary Records/Student Status
When students/groups are found responsible for a violation of university policy through an administrative, FCB, or
accept responsibility through an agreement, the case will be recorded on a student’s/group’s disciplinary record. (See “Admonition” under “Sanctions” for recording of these resolutions.) The record will be maintained by the Fuqua School of Business and kept in accordance with FERPA. Individual disciplinary records are kept on file for eight years from the date of a student’s matriculation, except in cases resulting in suspension or expulsion, in which disciplinary records are kept indefinitely.

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

Disciplinary Hold
At any time after the filing of a complaint, the conduct officer or designee, after consulting with a student’s academic dean, may place a “disciplinary hold” on the academic and/or financial records of any student pending the outcome of proceedings 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.

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 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 restrictions may be imposed. The university reserves the right to proceed with the disciplinary process at any point.
APPENDIX (TO COMMUNITY STANDARD)

Appendix A—Involuntary Administrative Withdrawal

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

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

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

In the instances described above the vice president for Student Affairs or designee may confer with the Fuqua dean who has final authority over implementation of an involuntary administrative withdrawal. A written statement citing the reasons for an involuntary administrative withdrawal will be forwarded to the student’s academic dean, who will withdraw the student from the university.

At any point in the process the student may request a voluntary withdrawal.

Appendix B—Duke University’s Sexual Misconduct Policy

Introduction. Sexual misconduct, including acts of sexual violence, is a form of sexual harassment that is prohibited under federal law and the Duke University Harassment Policy. The following special policies and procedures are in place regarding allegations of student-to-student physical sexual misconduct. Complaints of sexual misconduct in which either the complainant or respondent is not a student are addressed through the Harassment Policy. Complaints of non-physical sexual harassment between students are addressed through the Harassment Policy using the undergraduate/graduate/professional school disciplinary process as applicable.

Complaints regarding student-to-student physical sexual misconduct may be filed with the director of the Office of Student Conduct (919-684-6938; conduct@duke.edu; http://www.dukejams.com; 107 West Union Building; Box 90893, Durham, NC 27708).

The Office for Institutional Equity (OIE) is responsible for implementing and monitoring Duke University's compliance with federal regulations concerning harassment and discrimination. Concerns, complaints, or questions may be directed to the Title IX coordinator, Dr. Benjamin Reese, Jr., Vice-President for Institutional Equity, Office for Institutional Equity, 114 S. Buchanan Blvd. Bay 8, PO Box 90012, Durham, NC 27708. His phone number is (919) 684-8222 and his email address is ben.reese@duke.edu.
Retaliation prohibited. Federal regulations and university policy protect against retaliation directed at any individual who files a complaint under this policy or participates in a complaint investigation. A complaint of retaliation may be initiated with Dr. Reese for any retaliatory actions resulting from the filing of a complaint under this policy.

NOTE: Any university employee-- as well as any student who serves in a peer-advising role (e.g., resident assistant or first-year advisory counselor)-- informed of an allegation of sexual misconduct involving a student is expected to notify the Office of Student Conduct. University employees who serve in a professional role in which communication is privileged under North Carolina law (e.g., medical providers, therapists, rape crisis counselors, clergy) are not bound by this expectation, except as required by law.

Upon receipt of a report the Office of Student Conduct will take appropriate responsive action to ensure that the educational environment at Duke University is free of discrimination and a hostile environment. Additionally, as appropriate, steps may be taken to remedy the effects of the harassment on the complainant. This may include commencement of the disciplinary process against an accused student.

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

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

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

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

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

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

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

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

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

Denise is an undergraduate teaching assistant in Paul’s economics class. She notes that he has not been performing well on take-home assignments and exams. Both of them have come to tailgate, each with their own group of friends. Denise has consumed one can of beer, while Paul is rather intoxicated. Denise sees Paul and approaches him. She flirts with him, telling him that she can help him improve his grades if he will hook-up with her. As Paul turns to walk away, Denise grabs his buttocks and squeezes them. This is a violation of the Sexual Misconduct policy. Denise, in a position of power over Paul as his teaching assistant, attempted to arrange a quid pro quo sexual relationship. Additionally, she did not seek consent from Paul to touch him, even if a reasonable person could conclude that Paul was not too intoxicated in order to provide consent.

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

Information, advocacy, counseling and emotional support. The Office of Gender Violence Prevention and Intervention (GVPI) provides education, advocacy, and support for students who are victims of sexual and dating violence as well as their friends and families. Male or female students who are victims can get information, support and accompaniment regarding medical treatment, reporting options, academic and residential relief, referrals, legal interventions, and counseling. Walk-in or scheduled appointments with the GVPI Coordinator are available during business hours by calling 919-684-3897, emailing womenctr@duke.edu, or by visiting the Women's Center located at 107 Few Fed Building near the bus stop across from the Allen Building. Emergency after-hours assistance is available by calling 919-886-6814. All services are free and confidential.

Counseling and Psychological Services (CAPS) also offers ongoing counseling services; call 919-660-1000 for an appointment. For 24-hour crisis information and referral, contact the GVPI information line at 919-681-6882, the dean-on-call (pager number 919-970-4169), or the Durham Crisis Response Center at 919-403-6562 (for 24-hour hotline). All services are confidential and do not require making a formal report to the police.

Medical concerns. Seek medical attention immediately to have the most options for the prevention of pregnancy and sexually transmitted infections. Even if you do not think you are injured, you may have injuries as a result of sexual assault that you cannot see. For immediate and urgent medical concerns, go directly to the Emergency Department (ED) of Duke Medical Center (off Erwin Road near Trent Hall). You can call the Duke Police Department (911 or 919-684-2444 from non-campus phones) for transportation without having to make a report. The services available are: medical care, evidence collection, emergency contraception, and sexually transmitted disease prevention.

Evidence can be collected anonymously. Evidence is best collected within 72 hours of the assault. Even if you do not think you would like to pursue a criminal case now, you may have the evidence collected anonymously with a blind report that includes no identifying information other than a case number; you may decide later whether filing a police report is right for you. The State of North Carolina will cover the cost of the evidence collection. Medical treatment a victim receives-including but not limited to physical exam and pregnancy and STI prophylaxis-will be covered by a Rape Victims Assistance Fund through the State of North Carolina. Contact the GVPI coordinator at the Women's Center for more information and assistance with this process.
For less immediate medical concerns, schedule an appointment at Student Health (919-681-WELL). The services available are: medical care, emergency contraception and sexually transmitted disease prevention. The student health fee covers all services, except for a minimal charge for emergency contraception. You may call GVPI for someone to accompany you to the ED or Student Health.

Reporting to the police. Sexual misconduct may also be criminal in nature, and a student may choose to file a report with law enforcement. Duke Police (911 or 919-684-2444 from non-campus phones) will respond to emergencies and non-emergencies to provide assistance by intervening in cases of assault, providing transportation to the Emergency Department, taking reports of an assault, investigating and participating in legal or disciplinary action. They are responsible for notifying the community in a case of continuing danger, issuing a trespass order that requires an individual to stay away from campus or a particular area of campus when needed, and providing referrals and information including how to obtain a restraining order. Assaults that occur off campus may fall under the jurisdiction of the Durham Police Department or other law enforcement agency. Students may contact the Durham Police directly (911 off campus or 919-560-4427/560-4609) or the GVPI office or Duke Police can help facilitate reporting. Blind reporting—filing a report without your name attached to it—is an available option with both Duke and Durham's police departments. Regardless of whether a complainant pursues a criminal complaint, the university will investigate the incident in question and take appropriate responsive action to ensure that the educational environment at Duke is free of harassment and to prevent the recurrence of a hostile environment, and, as appropriate, to remedy the effects of the harassment on the complainant.

Reporting Sexual Misconduct for University Action
The Office of Student Conduct receives complaints of a possible violation of this policy for investigation and possible remedial actions, including adjudication through the university's disciplinary process or other remedies designed to reasonably minimize the recurrence of such conduct as well as mitigate the effects of the harassment. Reports must be filed within one (1) calendar year from the date of the alleged incident.

Investigation. The conduct officer, or designee, may meet with the complainant to hear or clarify his/her account of the incident and review the investigation process and possible remedies, including the disciplinary process. A formal investigation may be launched, which may include the use of an independent investigator to investigate the complaint, interview witnesses, and collect additional information. After an initial investigation, the conduct officer or designee may ask further clarifying questions of the complainant, accused, or witnesses. A determination will be made on whether to proceed with the disciplinary process based on sufficient information to believe that a policy violation may have occurred. Should a determination be made not to proceed with the disciplinary process, the complainant may meet with the conduct officer to review that decision. During the investigation and until resolution of the matter, interim restrictions may be issued as deemed appropriate by the conduct officer or designee, including restrictions on contact between the complainant and the accused, exclusion from areas of campus, removal or relocation from residential areas, etc.

Hearing procedures. If an investigation supports moving forward with a hearing, every effort will be made to convene a hearing panel within 30 business days of receipt of the formal complaint. A three-person hearing panel will preside over a case that is referred to the Undergraduate Conduct Board, comprised of two faculty or staff members and one student. [Hearings involving students within other communities (Fuqua, Law, Divinity, Medical, etc.) will proceed based
on that community's procedures. Hearings involving students from multiple communities will be adjudicated by the University Judicial Board.] A finding of responsibility must be based on a unanimous vote using a "preponderance of evidence" standard; any sanction must be decided by a majority vote with the exception of suspension or expulsion, which must be supported unanimously. A complainant may have an advisor (a member of the university community) present during a hearing, but as with the accused's advisor, he/she may only confer quietly or through notes with the complainant and may not address the panel.

Participants are reminded that any information shared during a hearing is confidential. The hearing panel will decide what testimony, witnesses, or other information is relevant, and may exclude information or a witness that is deemed duplicative or immaterial. Absent exceptional circumstances, the complainant or accused should inform the conduct officer in writing at least 24 hours in advance of the hearing the names of any witnesses he/she wishes to testify and to what they will attest.

**Information for complainants.** Complainants will be treated with respect before, during, and after the disciplinary process. The university will make all reasonable efforts to ensure the preservation of confidentiality, restricting information to those with a legitimate need for it. Complainants will be informed of the university's disciplinary process and possible outcomes. The university will communicate substantive and, when warranted, procedural developments regarding the investigation. The alleged conduct may also be criminal in nature, and complainants have the right to report such conduct to local law enforcement, which does not preclude university disciplinary action. Regardless of whether a complainant pursues a criminal complaint and/or the university's grievance process through this outlined policy, the university may investigate the incident(s) in question and will take appropriate responsive action to ensure that the educational environment is free of discrimination and prevent the recurrence of a hostile environment-and, if appropriate, remedy the effects of the harassment on the complainant. Remedies available to a complainant may include, but are not limited to: reasonable academic accommodations, on-campus housing reassignment, a "no contact" order between the accused and the complainant, and disciplinary action against the accused as determined through the disciplinary process. See [http://studentaffairs.duke.edu/conduct](http://studentaffairs.duke.edu/conduct) for additional information about the disciplinary process.

Complainants have the right to (and are strongly encouraged to seek) counseling and support available through resources such as Gender Violence Prevention and Intervention (GVPI) in the Women's Center, Counseling and Psychological Services (CAPS), and Durham Crisis Response Center (DCRC).

Complainants may request changes to academic and living situations and will be notified as to what changes are reasonably available. Complainants also have access to disciplinary advisors to guide them through the disciplinary process.

Allegations of sexual misconduct will be investigated in a thorough and timely manner, typically within 15 business days of receipt of a complaint. An advisor (who is a member of the university community) may accompany complainants to any meeting with the conduct officer or to a hearing. Complainants have the right to receive-within the parameters of FERPA-a copy of the written information given to a hearing panel, and written notice of the outcome of an investigation. Complainants may offer relevant material witnesses to speak on their behalf. (Note that a hearing panel may exclude witness testimony deemed irrelevant or duplicative.) Complainants may also submit two written character references to a hearing panel before the hearing begins. Complainants will be given the opportunity to make opening and closing statements to a hearing panel.
**Information for accused students.** Students accused of sexual misconduct who proceed to a hearing have similar rights as a student accused of any other policy violation (unless noted otherwise). For undergraduates, this includes the right to a 120-hour/five day notice in advance of a hearing, the right to bring material witnesses to speak on his/her behalf (written testimony of two character witnesses may be submitted to a hearing panel before the hearing begins), the opportunity to make opening and closing statements, and the right to ask questions (directed through the hearing panel) of any witness present. (Note that a hearing panel may exclude witness testimony deemed irrelevant or duplicative.) Students within other communities (Fuqua, Law, Divinity, etc.) should consult their respective school's bulletin for any different or additional rights.

An accused student may request changes to academic and living situations, and will be notified as to what changes are reasonably available. Accused students can expect a presumption of innocence throughout the disciplinary process unless found responsible through an impartial and fair hearing using a "preponderance of the evidence" standard, and will be treated with respect throughout the process.

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

**Notification of hearing outcome, sanctions, and appeal.** The accused will receive verbal notification of the outcome of a hearing no sooner than two business days and no later than five business days after the hearing. The complainant will be notified of the outcome of a hearing consistent with federal law. (Note that re-disclosure by the complainant of a "not responsible" decision to anyone without the prior consent of the accused is a violation of the Family Educational Rights and Privacy Act.) Notification will be individually given to the accused and complainant at approximately the same time. A written hearing report outlining the decision and rationale of the hearing panel will be later delivered to the accused and the complainant consistent with the Family Educational Rights and Privacy Act. Sanctions for a finding of responsibility include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions deemed appropriate by the hearing body. Students who are found responsible for a violation of this policy have a right of appeal based on the following grounds: 1) new information (available after a hearing) of a nature that the verdict or sanction may have been different; 2) procedural errors within the hearing process which may have substantially affected the fairness of the hearing; and 3) the finding of responsibility was inconsistent with the weight of the information. Complainants have the same rights of appeal afforded to accused students. Appeals will typically be decided within 10 business days of submission.