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The Duke Community Standard

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

To uphold the Duke Community Standard:

I will not lie, cheat, or steal in my academic endeavors;

I will conduct myself responsibly and honorably in all my endeavors; and

I will act if the Standard is compromised.

Standards of Conduct

Graduate students at Duke University freely choose to join a community of scholarship predicated on the open exchange of ideas and original research. At Duke University, students assume the responsibility to foster intellectual honesty, tolerance, and generosity and to encourage respectful debate and creative research. By accepting admission to Duke University, graduate students pledge to uphold the intellectual and ethical standards of the University, as expressed in the Duke Community Standard, to respect the rights of their colleagues, to abide by University regulations, and to obey local, state, and federal laws. The Graduate School and the University specifically prohibit the following:

1. **Lying:** Knowing misrepresentations to gain illicit benefit or to cause harm to others. Examples include misrepresentation in applications for admissions or financial aid, lying during a formal inquiry by the University, and false accusations of misconduct by others.
2. **Cheating:** A dishonest or unfair action to advantage an individual's academic work or research. Such dishonesty would include the falsification of data, plagiarism, and tampering with another person's documents or research materials.
3. **Theft:** Misappropriation of property, services, credentials, or documents. Theft includes the misuse or willful damage of University property, equipment, services, funds, library materials, or electronic networks.
4. **Harassment:** The creation of a hostile, intimidating, disrespectful environment based on race, religion, gender, ethnicity, or sexual orientation, in which verbal or physical conduct, because of its severity or persistence, is likely to interfere significantly with an individual's work or education, or affect adversely an individual's living conditions. Duke University is committed to protecting academic freedom for all members of the university community. This policy against harassment is, therefore, applied so as to protect the rights of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, however controversial, in the classroom, in residence halls, and—in keeping with different responsibilities—in workplaces elsewhere in the University community.
5. **Sexual harassment:** Coercion through speech or action for sexual purposes. Examples include verbal or written threats, unwanted sexual solicitation, stalking, and the use of a position of authority to intimidate or coerce others. Duke teaching personnel, employees,

and graduate students are expected to report consensual sexual relationships between individuals in a supervisory or teaching relationship to their superiors. Examples of such supervisory or teaching relationships include: instructor and student; advisor and student; and supervisor and staff member.

6. **Assault:** An attack on another person resulting in either physical or psychological injury.
7. **Possession of illicit drugs on University property or as part of any University activity:** Students are prohibited from manufacturing, selling, delivering, possessing, or using a controlled substance without legal authorization. The North Carolina Controlled Substances Act defines a controlled substance as any drug, substance, or immediate precursor, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. Possession of drug paraphernalia is also prohibited under North Carolina 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.
8. **Refusal to comply with the directions of a University police officer:** Students must comply with the lawful directions of the University police. In addition, interference with the proper operation of safety or security devices, including emergency telephones, door locks, fire alarms, smoke detectors, or any other safety device is prohibited.
9. **Trespassing:** Students may not enter University property to which access is prohibited.
10. **Possession of explosives, incendiary devices, or firearms on University property**

Students are expected to meet academic requirements and financial obligations, as specified elsewhere in this bulletin, in order to remain in good standing. Failure to meet these requirements and to abide by the rules and regulations of Duke University may result in summary dismissal by the dean of the Graduate School or the provost. In accepting admission, students indicate their willingness to subscribe to and be governed by these rules and regulations and acknowledge the right of the University to take disciplinary action, including suspension and expulsion, as may be deemed appropriate for failure to abide by such rules and regulations or for conduct adjudged unsatisfactory or detrimental to the University.

STUDENT GRIEVANCE PROCEDURES

It is the responsibility of the director of graduate studies to inform each graduate student of the appropriate channels of appeal. In normal circumstances, the director of graduate studies is the first to hear a complaint. If the complaint cannot be resolved satisfactorily at this level, the student may address, in turn, the department chair, the senior associate dean for academic affairs, and the dean of the Graduate School, who shall be the final avenue of appeal.

JUDICIAL CODE AND PROCEDURES

In the spring of 1971, the Graduate School community ratified and adopted an official judicial code and procedures. These procedures were subsequently amended in November 1998 and in May 2007.

I. Graduate School Judicial Code and Procedures

- A. A student, by accepting admission to the Graduate School of Duke University, thereby indicates willingness to subscribe to and be governed by the rules and regulations of the University as currently are in effect or, from time to time, are put into effect by the appropriate authorities of the University, and indicates willingness to accept disciplinary action, if behavior is adjudged to be in violation of those rules or in some way unacceptable or detrimental to the University. However, a student's position of responsibility to the authorities and the regulations of the University in no way alters or modifies responsibilities in relation to civil authorities and laws.
- B. A graduate student at Duke University stands in a primary and unique relation of responsibility to the faculty in the major department, the faculty upon whose recommendation a graduate degree will or will not be awarded to the student. In matters which involve or may affect the student's intellectual or professional life, the student is directly responsible to this department and its representatives, and such matters should primarily be handled by the department.
- C. Actions which appear to conflict with universitywide rules and regulations will fall under the jurisdiction of the University Judicial Board.
- D. A student may elect to have the dean of the Graduate School hear matters related to the student's conduct in addition to or instead of faculty members from the student's major department, or may elect to have such matters reviewed and judged by a judicial board instead of the dean of the Graduate School or members of the faculty in the major department. (The constitution and procedure of the Judicial Board are detailed below.)
- E. The director of graduate studies or the chair in the student's major department may request that a student's actions be reviewed by the Judicial Board or by the dean of the Graduate School.

II. The Graduate School Judicial Board

- A. **Composition.** The Graduate School Judicial Board shall have five members, serving for a period of two years: two graduate students appointed from the student body by the dean of the Graduate School with the advice of the Graduate and Professional Student Council, two members of the graduate faculty appointed by the Executive Committee of the Graduate Faculty, and one associate or assistant dean appointed by the dean of the Graduate School. The Board shall elect one of its members as chairman. The Board shall have at its service a recording secretary to keep minutes of the hearings and of the Board's actions in a permanent, confidential record book. The Board will be constituted in order to hear cases in which the accused is a student currently enrolled in the Graduate School and in cases in which the accused is a former student but which arise out of activities of the accused while a student enrolled in the Graduate School, and which have been referred to it by the director of graduate studies or the chair in the student's department, by the dean of the Graduate School, or by the student.
- B. **Preliminary Procedures.** If a student requests a hearing by the Judicial Board it must be done in writing, allowing its chairman at least seventy-two hours to convene the Board. In addition, the chairman shall not convene the Board until seventy-two hours after

being asked to convene the Board. It is the responsibility of the chairman of the Judicial Board fully to inform its members concerning the case and the reasons the case has been referred to the Board; and to prepare a written summary of this information for the Board, the dean, and the student.

- C. Procedural Safeguards for the Hearing.** The accused has the right to challenge any member of the Judicial Board on grounds of prejudice. If the Board decides to excuse one or more of its members for reasons given by the accused, it shall consult with the dean about the need for replacements. The accused may choose an advisor to assist in the hearing. The advisor must be a current Duke student, a current Duke faculty member, or a current Duke employee. 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. The accused may also produce witnesses (including no more than two character witnesses), introduce documents, and offer testimony. A person having direct knowledge relevant to a case being heard by the Board is a material witness. The Judicial Board may request the appearance of material witnesses. The Board shall also request, upon written request of the complainant or the accused, the appearance of material witnesses. Witnesses shall be notified of the time, place, and purpose of their appearance. The accused has the right to examine the written statement of any witness relevant to the case at least seventy-two hours before the hearing. The accused has the right to be faced with any witness who has given a statement relevant to the case at the hearing if the witness's attendance can be secured.

The hearing will be conducted in private unless the accused requests an open hearing. If any objection is raised to conducting an open hearing in any particular case, the Judicial Board shall decide the issue by majority vote. If the decision is made not to hold an open hearing, the accused shall be informed in writing of the reasons for the decision. The Judicial Board shall consider only the report of the chairman, documents submitted into evidence, and the testimony of witnesses at the hearing in reaching its decisions.

- D. Conduct of the Hearing.** The hearing of any case shall begin with a reading of the charge by the chairman in the presence of the accused. The accused shall then plead guilty or not guilty or move to terminate or postpone the hearing. The accused may qualify a plea, admitting guilt in part and denying it in part. The accused may not be questioned for more than one hour without recess. At any time during the hearing, the accused or the Judicial Board may move to terminate or to postpone the hearing or to qualify the plea or to modify its charge.

Pending verdict on charges (including appeal) against the accused, status as a student shall not be changed, nor the right to be on campus or to attend classes suspended, except that the provost may impose an interim suspension upon any member of the University community who demonstrates, by conduct, that continued presence on the campus constitutes an immediate threat to the physical well-being or property of members of the University community or the property or orderly functioning of the University.

- E. **Appeals.** The appellant may submit to the dean a written statement containing the grounds for appeal and arguments. In such cases, the dean should determine if the appeal should be granted, and the dean can hear the case, or refer it to the appropriate faculty in the student's department or to the Judicial Board.
- F. **Sanctions and the Verdict.** The Graduate School Judicial Board shall have the power to impose the following penalties: expulsion, dismissal from the University with the recommendation that the person never be readmitted; suspension, dismissal from the University and from participation in all University activities for a specified period of time, after which the student may apply for readmission; disciplinary probation, placing the student on a probationary status for a specified period of time, during which conviction for violation of any regulation may result in more serious disciplinary action; restitution, payment for all or a portion of property damage caused during the commission of an offense. Restitution may be imposed by itself or in addition to any of the other penalties. In the case of a student who is not currently at Duke or who has already graduated, such sanctions could include revocation of the degree. The judgment shall consist of a finding of guilty or not guilty of the charge and, when the accused is found guilty, a statement of the punishment assessed. On all questions, including the verdict and the finding of guilty or not guilty, the Board shall be governed by a majority vote. The Judicial Board may decide to rehear a case in which significant new evidence can be introduced. In addition, the defendant may request an appeal.

An appeal shall be granted on the following grounds: procedural error substantially affecting the rights of the accused; incompatibility of the verdict with the evidence; excessive penalty not in accord with "current community standards"; new evidence of a character directly to affect the judgment but on which the original tribunal had refused a new hearing.

III. Amendment and Construction

This Judicial code and procedure and this constitution and procedure for the Graduate School Judicial Board may be amended at any time with due notice or publication by consent of the dean, the Executive Committee, and the graduate student representatives of the Graduate and Professional Student Council. Questions and problems not answered or anticipated by the foregoing may be resolved by the use of other existing institutions or by amendment.