

## **STUDENT RIGHTS, STANDARDS OF STUDENT CONDUCT, DISCIPLINE, AND APPEAL PROCEDURES**

### **I. PREAMBLE**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of this academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic conditions in the classroom, on the campus, and in the community. Students should exercise their freedom with responsibility. As members of the larger community of which the College is part, students are entitled to all rights and protection accorded them by the laws of the community.

By the same token, students are also subject to all laws, the enforcement of which is the responsibility of duly constituted authorities. When students violate laws, they may incur penalties prescribed by legal authorities. In such instance, college discipline will be initiated only when the presence of the student on campus will disrupt the educational process of the College. However, when a student's violation of the law also adversely affects the College's pursuit of its recognized educational objectives, the College may enforce its own regulations. When students violate college regulations, they are subject to disciplinary action by the College whether or not their conduct violates the law. If a student's behavior simultaneously violates both college regulations and the law, the College may take disciplinary action independent of that taken by legal authorities.

### **II. STUDENT RIGHTS**

- A. All rights and privileges guaranteed to every citizen by the Constitution of the United States and by the State of North Carolina shall not be denied any student.
- B. Students are free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on the campus shall be provided for by the College. Student performance will be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.
- C. Students have the right to freedom of expression, inquiry, and assembly without restraint or censorship; subject to reasonable and nondiscriminatory rules and regulations regarding time, place, and manner.
- D. Students have the right to inquire about and to propose improvements in policies, regulations, and procedures affecting the welfare of students through established student government procedures, campus committees, and college offices.
- E. The Family Educational Rights and Privacy Act of 1974 provides safeguards regarding the confidentiality of and access to student records, and this Act will be adhered to by the College. Student and former students have the right to review their official records and to request a hearing if they challenge the contents of these records. No records shall be made available to unauthorized personnel or groups outside the College without the written consent of the student involved except under legal compulsion.
- F. No disciplinary sanctions other than temporary removal from class or activity (only for duration of said activity) may be imposed upon any student without due process. Due process procedures are established to guarantee a student accused of a Standards of Student Conduct violation the right of a hearing, presentation of charge(s), evidence for charges, the right to present evidence, the right to have witnesses on one's behalf and to hear witnesses on behalf of the accuser(s), the right to counsel, and the right to appeal.

### **III. STANDARDS OF STUDENT CONDUCT**

The College reserves the right to maintain a safe and orderly educational environment for students and staff. When a student's conduct disrupts or threatens to disrupt the college community, appropriate disciplinary action will be taken to restore and protect the sanctity of the community.

The following regulations set forth rules of conduct that prohibit certain types of student behavior. Students are expected to act and dress appropriately for a college environment. Neither actions nor dress should distract others from concentrating on their course of study. The college has established the following code of conduct to ensure that an appropriate college environment is maintained. Violation of one or more of these regulations may result in disciplinary sanctions. Students are not permitted to engage in any of the following activities while participating in any college course while on campus, while participating in a college-sponsored event, or while in a college owned vehicle.

- A. Taking or acquiring possession of any academic material from a member of the college staff or student body without permission, receiving or giving help during tests; submitting papers or reports prepared or written by others as one's own; plagiarism.
- B. Theft, misuse, damage or defacing of a college property, or theft of or damage of property of a member of the college community or a campus visitor on college premises or at college functions; unauthorized entry upon the

- property of the college or into a college facility or a portion thereof which has been restricted in use and thereby placed off limits; unauthorized presence in a college facility after closing hours.
- C. Possession or consumption of alcoholic beverages or being in a state of intoxication on the college campus or at college-sponsored or supervised functions off campus or in college-owned vehicles. Manufacture, possession, use or distribution of any illegal drugs, except as expressly permitted by law. Any influence which may be attributed to the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of his/her actions. Furthermore, no one with the smell of alcohol on him/her or whose observable behavior leads a college official to believe they are under the influence of alcohol or other drugs, will be allowed at the college or any college activity. **NOTE:** Parents are notified when students under age 21 violate drug and/or alcohol laws.
  - D. Using, recording, or disseminating anything which substantially and materially disrupts or threatens to disrupt the operation of the college.
  - E. Physical violence against another person or threatening physical violence against another person.
  - F. Harassment or intimidation of any other person, which is defined as verbal or physical conduct that is severe, pervasive, and objectively offensive such that it substantially interferes with an individual's academic or work performance or creates a demeaning academic or work environment. Sexual harassment, as defined by the college's policy prohibiting sexual harassment, is a form of prohibited harassment.
  - G. Intentional obstruction or disruption of teaching, participating in conduct that disturbs peace and order of the college. This includes, but is not limited to yelling, screaming, or talking in an unnecessary or unreasonably loud voice, or using of any device which produces loud and/or disruptive noises.
  - H. Participating in gatherings or demonstrations that interfere with another's ability to freely access college facilities or property. Students shall not disrupt or interfere with the college's educational processes or college functions. Students shall comply with any instruction by a college employee to leave the scene of a disruptive gathering or demonstration.
  - I. Possession or use of a firearm, incendiary device, or explosive, except in connection with a college-approved activity. This also includes unauthorized use of any instrument designed to inflict serious bodily injury to any person.
  - J. Possession or use, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, and maintenance, on educational property.
  - K. Using or tampering with any fire, emergency callbox, or any other safety equipment, except with reasonable belief in the need for such alarm or equipment.
  - L. Illegal gambling on the college premises.
  - M. Use of smoke-producing and smokeless tobacco products within any College-owned building or college property. Use of any other smoke/vapor producing products within any College-owned building or college property. Includes College-owned and/or leased vehicles.
  - N. Forgery, alteration, or misuse of college documents, records, or instruments of identification with intent to deceive.
  - O. Failure to comply with instructions of college officials acting in performance of their duties.
  - P. Violation of the terms of disciplinary probation or any college regulation during the period of probation.
  - Q. Fiscal irresponsibility such as failure to pay college-levied fines, to repay college-funded loans, or the passing of worthless checks, drafts, or orders to college officials.
  - R. Violation of a local, state, or federal criminal law on college premises adversely affecting the college community's pursuit of its proper educational purposes.
  - S. Violation of College policy as to the use of the College's network, computers and/or software, and/or the use of same to access and/or distribute any and all types of pornographic materials; for the purpose of cyber-bullying; or for sales or solicitation.
  - T. Animals on campus are forbidden, including animals left in vehicles. Service animals are permitted.
  - U. The Standards of Student Conduct is not all inclusive. Any conduct which materially and substantially disrupts the educational environment of the college is prohibited.

#### IV. DISCIPLINE PROCEDURE

- A. **Immediate Suspension:** If an act of misconduct threatens the health or well-being of any member of the academic community or seriously disrupts the function and good order of the College, an instructor or administrative officer may direct student(s) involved to cease and desist such conduct and advise them that failing to cease and desist may result in immediate suspension. If the student(s) fail to cease and desist, the instructor

may then suspend the student(s) from the class. An administrative officer may suspend the student(s) from either the class or the College until a resolution of the matter can be made. The instructor or administrative officer invoking such suspension shall notify the Vice President for Student Services in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than two (2) days following the incident. The Vice President for Student Services shall resolve the matter in a timely fashion utilizing the steps outlined in Section IV, C.

- B. **Responsibility For Implementation:** The Vice President for Student Services is responsible for implementing student discipline procedures. In the event any discipline procedure conflicts with state or federal law, the state or federal law shall be followed. The Vice President for Student Services shall refer the discipline matter to the appropriate official as outlined by state or federal law.
- C. **Disciplinary Procedures:** In order to provide an orderly system for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:
1. **Charges:**  
Any administrative official, faculty member, or student may file charges with the Vice President for Student Services against any student or student organization for violations of college regulations. All charges filed must be submitted in writing to the Vice President for Student Services stating:
    - a. Names of student(s) involved.
    - b. Alleged Violation of the Standards of Student Conduct.
    - c. Time, place, and date of the incident.
    - d. Name of person(s) directly involved or witnesses to the infractions.
    - e. Any action taken that relates to the matter.
    - f. Desired solutions.
  2. **Investigation and Decision.**  
Within five (5) working days after the charge is filed, the Vice President for Student Services shall complete a preliminary investigation of the charge and shall schedule a meeting with the student. After discussing the alleged infraction with the student, the Vice President for Student Services may act as follows:
    - a. Drop the charges.
    - b. Impose a sanction consistent with those shown in Section V.
    - c. Refer the student to a college office or community agency for services.
  3. **Notification:**  
The decision of the Vice President for Student Services shall be presented to the student in writing immediately following the meeting with the student. In instances where the student cannot be reached to schedule an appointment with Vice President for Student Services or where the student refuses to cooperate, the Vice President for Student Services shall send a certified letter to the student with a list of charges, the Vice President for Student Services' decision, and instructions governing the appeal process (Section VI).

## V. **SANCTIONS**

- A. **Reprimand:** A written communication which gives official notice to the student that any subsequent offense against the Standards of Student Conduct will carry heavier penalties because of this prior infraction.
- B. **General Probation:** An individual may be placed on General probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: first, the individual is given a chance to show capability and willingness to observe the standards of Student Conduct without further penalty; and second, if the individual errs again, further action will be taken. This probation will be in effect for no more than one (1) semester.
- C. **Restrictive Probation:** Restrictive Probation results in loss of good standing and becomes a matter of record. Restrictive conditions may limit activity in the college community. Generally the individual will not be eligible for initiation into any local or national organization, and may not receive any college award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any college or student organization, publication, or activity. This sanction prohibits the student from officially representing the College or participating in any extra-curricular activities including intramural competitions. This probation will be in effect for not less than two (2) semesters. Any violation of Restrictive Probation may result in immediate suspension.
- D. **Restitution:** Paying for damaging, misusing, destroying or losing property belonging to the college, personnel, or students. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.
- E. **Interim Suspension:** Exclusion from class and/or other privileges or activities as set forth in the notice, until a final decision has been made concerning the alleged violation.

- F. **Loss of Academic Credit or Grade:** Imposed as a result of academic dishonesty.
- G. **Withholding Academic Records and/or the Right to Register:** Withholding transcript, diploma, or the right to register or participate in graduation ceremonies imposed when financial obligations are not met or the student has a disciplinary case pending final disposition.
- H. **Suspension:** Exclusion from class(es), and/or all other privileges or activities of the College for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation, or for repeated misconduct. Students who receive this sanction must get specific written permission from the Vice President for Student Services before returning to campus.
- I. **Expulsion:** Dismissing a student from campus for an indefinite period, losing student status. The student may be readmitted to the College only with the approval of the President.

## VI. DISCIPLINARY APPEALS PROCEDURE

A student who disagrees with the decision of the Vice President for Student Services may request a hearing before the Appeals Committee. This request must be submitted in writing to the Executive Vice President within three (3) working days after receipt of the Vice President for Student Services' decision. The Executive Vice President shall refer the matter to the Appeals Committee together with a report of the student against whom the charge has been filed, and the relevant facts revealed by the Vice President for Student Services' investigation.

### A. **Committee Composition**

Membership of the Appeals Committee shall be composed of the following:

1. Four faculty/staff members appointed by the President.
2. President of the Student Government Association (SGA). If the SGA President is unable to serve, the President will appoint a student replacement.

### B. **Procedures for Hearings Before the Appeals Committee**

1. The Appeals Committee must meet within six (6) working days of receipt of a request for a hearing. The Appeals Committee may hold the hearing prior to the six (6) work days expiration period, with the consent of the student. At least three (3) working days prior to the date set for the hearing, the Chairperson shall send a certified letter to the student's last known address providing the student with the following information:
  - a. A restatement of the charge or charges.
  - b. The time and place of the hearing.
  - c. A statement of the student's basic procedural rights.
2. Basic procedural rights of students include the following:
  - a. The right to counsel. The role of the person acting as counsel is solely to advise the student. The counsel shall not address the Committee. If the student opts to bring counsel, the student must inform the Executive Vice President of this intention when the request for the hearing is filed. If the student brings counsel to the hearing without so informing the Executive Vice President, the committee chairperson will give the student the option of proceeding without counsel or postponing the hearing for 5 working days.
  - b. The right to produce witnesses on one's behalf.
  - c. The right to request in writing, that the President disqualify any member of the Committee for prejudice or bias. (The requests must contain reasons). A request for disqualification, if made, must be submitted at least three (3) working days prior to the hearing. If such disqualification occurs, the President shall appoint a replacement.
  - d. The right to present evidence.
  - e. The right to know the identity of the person(s) bringing the charge(s).
  - f. The right to hear witnesses on behalf of the person bringing the charges.
  - g. The right to testify or to refuse to testify without such refusal being detrimental to the student.
  - h. The right to appeal the decision of the Committee to the President who will review the official record of the hearing. The appeal must be in writing and it must be made within five (5) working days of the completion of the hearing.
3. The Conduct of the Committee Hearings
  - a. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
    - (1) The student.
    - (2) Counsels

- (3) Witnesses who shall:
  - (a) Give testimony singularly and in the absence of other witnesses.
  - (b) Leave the committee meeting room immediately upon completion of the testimony.
- b. The hearing will be tape recorded. Tapes will become the property of the College, and access to them will be determined by the Chairperson of the Committee and the Executive Vice President. All tapes will be filed in the office of the Executive Vice President for three years. The Executive Vice President will keep copies of all correspondence and rulings surrounding the hearing for three years.
- c. The Committee shall have the authority to adopt supplementary rules of procedure consistent with this code.
- d. The Committee shall have the authority to render written advisory opinions concerning the meaning and application of this code.
- e. Upon completion of a hearing, the committee shall meet in executive session to determine concurrence or non-concurrence with the original finding and to recommend sanctions, if applicable.
- f. Decisions of the Committee shall be made by majority vote.
- g. Within three (3) working days after the decision of the Committee, the Chairperson shall send a certified letter to the student's last known address providing the student with the Committee's decision.

**C. Appeal to the President**

A student who refuses to accept the findings of the Committee may appeal in writing to the President within five (5) working days after receipt of the Committee's decision. The President shall have the authority to:

- 1. Review the findings of the proceedings of the Committee.
- 2. Hear from the student, the Vice President for Student Services and the members of the Committee before ruling on an appeal.
- 3. President will render a decision within five (5) working days.

**D. Appeal to the Board of Trustees**

Any party of the Appeals Committee hearing may request, in writing, a hearing before the Board of Trustees or a committee of the Board as an appeal of the President's decision within five (5) working days of the decision. The Board of Trustees or a committee of the Board may review information to date and to render a decision without the personal appearance before them of the parties of the Appeals Committee hearing or rendering a decision. This decision of the Board will be made at the next regularly scheduled meeting of the board following the incident.

**VII. STUDENT GRIEVANCE PROCEDURE**

**A. Purpose**

The purpose of the Student Grievance Procedure is to provide a system to channel student complaints against faculty and staff concerning the following:

- 1. Alleged discrimination on the basis of age, sex, race, disability or other conditions, preferences, or behavior, including sexual harassment complaints.
- 2. Sexual harassment complaints should be directed to the Vice President for Student Services or the Title IX Coordinator. Because of the sensitive nature of this kind of complaint, a conference with the Vice President for Student Services or the Title IX Coordinator replaces the first step of the grievance procedure. The Vice President for Student Services or the Title IX Coordinator will consult with the student to determine the appropriate action that is required. If the grievance is not resolved after the meeting, then the remainder of the grievance procedure will be followed.
- 3. Academic matters, excluding individual grades, except where the conditions in the above items apply.

**B. Procedures**

Students must follow the following procedures:

**1. Step One:**

The student must go to the instructor or staff member where the alleged problem originated. An attempt will be made to resolve the matter equitably and informally at this level. The conference must take place within five working days of the incident, which generated the complaint.

**2. Step Two:**

If the grievance is not resolved at the informal conference, the student may file a written grievance. A grievance form shall be made available to the student by the Vice President for Student Services. The Vice President for Student Services will explain the grievance process to the student. The completed grievance form must be presented to the Vice President for Student Services within five working days after satisfying the first step in the grievance process. The Vice President for Student Services will then refer the grievance to the immediate

supervisor involved. The supervisor shall respond in writing to the student within ten working days of receipt of the grievance form from the department involved.

**3. Step Three:**

If the student wishes to appeal the decision of the supervisor, a further appeal may be directed to the Executive Vice President within five working days. The Executive Vice President shall respond in writing to the student within 10 working days of receipt of the grievance form.

**4. Step Four:**

If the written statement of the Executive Vice President does not satisfy the grievant, a request to appear before the Student Grievance Committee may be made. The student must submit a written request within five working days after receiving the written response from the Executive Vice President. The request shall include a copy of the original grievance form and the reason why the Executive Vice President response is unsatisfactory. A copy of the Executive Vice President response must be attached to the request by the student and given to the Vice President for Student Services. The Vice President for Student Services shall notify immediately the College President who shall insure that the committee is organized in a manner consistent with Section C of this procedure (The Student Grievance Committee). The Vice President for Student Services will send copies of the appeal to the members of the committee, the employee, and the employee's supervisor. The employee against whom the grievance was filed shall be given an opportunity to respond in writing to the chairperson of the committee. Meeting(s) shall be conducted between five and fifteen working days after the request. A postponement may be granted by the chairperson upon written request of either party, if the reason stated justifies such action. The committee shall hold interviews with the grievant, the employee, and the supervisor, singularly, and in the absence of other witnesses. The committee may interview any additional witnesses that it considers necessary to render a fair decision. The committee shall decide by a majority vote the solution of the grievance. In case of a tie, the chairperson shall vote to break the tie. The chairperson shall forward a copy of the committee's decision to all parties involved and to the President of the College within two working days.

**5. Step Five:**

The committee's decision may be appealed by either party involved to the president of the college within ten working days of the committee's decision. The president shall review the committee's findings, conduct whatever additional inquiries deemed necessary, and will render a decision within ten working days of receipt of the appeal.

**6. Step six:**

The President's decision may be appealed by either party involved to the Board of Trustees of the college within ten working days of the President's decision. The Board of Trustees or a committee for the board shall review any information to date, conduct whatever additional inquiries deemed necessary, and render a decision within twenty working days of receipt of the appeal.

**C. Student Grievance Committee**

The Appeals Committee may serve as the Student Grievance Committee or, at the direction of the president. A new committee may be formed for each grievance.

**D. Right of Parties Involved in a Grievance**

When a Grievance Committee meeting is scheduled, the parties involved are entitled to the following:

1. A written notice of the complaint.
2. A written notice of the time and place of the meeting. This notice shall be forwarded to all parties at least five working days prior to the meeting unless they waive this requirement.
3. A review of all available evidence, documents, or exhibits that each party may present at the meeting.
4. Access to the names of the witnesses who may testify.
5. The right to appear in person and present information on his or her behalf, call witnesses, and ask questions of any person present at the meeting.
6. The right to counsel. The role of the person acting as counsel is solely to advise the client. The counsel shall not address the committee.