

College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 1 of 8

Title: Discipline and Appeal for Non-Academic Violations

Related Policy: Policy 5.3.2 Student Code of Conduct; Policy 5.3.4 Discrimination and Harassment

Division of Responsibility: Student Success and Enrollment Management

I. OVERVIEW

The vice president of student success and enrollment management (vice president), or designee, is responsible for implementing these Procedures.

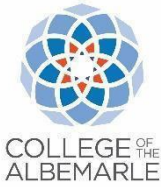
These Procedures apply to non-academic violations defined in Policy 5.3.2 Student Code of Conduct. For academic related violations, see Procedure 5.3.2.1 Discipline and Appeal for Academic Violations. For issues regarding sexual harassment and sexual violence, see Procedure 5.3.4.1 Title IX Sexual Harassment and Sexual Violence and for issues related to other forms of unlawful discrimination and harassment, see Procedure 5.3.4.2 Discrimination and Harassment.

II. SANCTIONS FOR NON-ACADEMIC VIOLATIONS

Sanctions are disciplinary penalties that may be imposed on a student following a determination that the student has engaged in one or more Student Code of Conduct violations. The determination of what sanctions may be warranted in a given situation will be based on the specifics of that situation and the student's prior disciplinary record.

Employees authorized to impose sanctions for non-academic violations include, and are limited to, the following:

1. Instructor - An instructor may impose academic related sanctions for an academic related violation involving the instructor's course.
2. Instructor - An instructor may also impose an immediate suspension, not to exceed two class days, for classroom misconduct. This sanction must be immediately reported to the instructor's supervisor, academic dean, vice president and campus security via the College's online reporting system.
3. Campus Dean/Administrator - A campus dean/administrator may also impose an immediate suspension, not to exceed two class days. This sanction must be immediately reported to the vice president and campus security via the College's online reporting system.
4. Vice President of Student Success and Enrollment Management - The vice president, or designee, may impose sanctions other than academic related sanctions. Sanctions must be reported via the College's online reporting system.
5. Campus Security Officer - A College campus security officer may impose a temporary suspension, not to exceed two class days, which will be immediately reported to the chief operations officer and the vice president via the College's online reporting system.



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 2 of 8

Immediate and temporary suspensions, not to exceed two class days, may only be imposed for the following non-academic violations: Assault; Communicating Threats; Drugs and Alcohol; Theft and Property Damage; Possession of Weapons; and, based on severity, Violations of Normal Classroom Behavior. The vice president, or designee, will notify instructors and/or deans as needed.

Sanctions other than academic sanctions mean any one or more of the sanctions set out below. Where appropriate, a student may be subject to more than one sanction. For example, a student may be on probation, have an obligation to pay restitution, and be on a behavior contract at the same time. The following sanctions may be imposed for non-academic violations:

A. Reprimand

A reprimand admonishes a student for a Student Code of Conduct violation and warns the student not to commit further violations. A reprimand must be in writing and becomes part of the student's permanent discipline record.

B. Probation

Probation is a written directive to comply strictly with the Student Code of Conduct for a specified period of time. A student on probation is permitted to continue with his or her coursework and attend College events and activities, but is warned that any further violation may result in the imposition of more severe sanctions, including possible suspension or expulsion.

C. Interim Suspension

An interim suspension is a suspension imposed by the vice president or chief operations officer, or designee on a student prior to the student's receipt of due process procedures.

D. Mandated Withdrawal

A mandated withdrawal is a sanction where the student is withdrawn from class(es) and/or from a College program. Withdrawal of a student from a College program can be for a specified amount of time.

E. Suspension

Suspension is a sanction that, for a specified period of time, (a) requires a student not to be on any College campus or property; (b) excludes the student from all College academic courses and activities; and (c) prohibits the student from attending or participating in any College event or activity, regardless of location. A suspension shall



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 3 of 8

not exceed five years in length. In appropriate situations, a limited suspension may be imposed. A limited suspension is one that restricts a student from some, but not all, academic classes. A suspension is a limited suspension only if it is expressly referenced as such in the decision that imposes the suspension. A student's readmission following a suspension may be conditioned on compliance with specified conditions.

F. Dismissal

Dismissal is the permanent exclusion of a student from (a) all College campuses and property; (b) all academic courses and activities of the College; and (c) the right to attend or participate in any College function or activity, regardless of location.

G. Restitution

Restitution involves the payment of monies to the College or to one or more persons, groups or organizations to compensate the person(s), group(s) or organization(s) for damage to property or costs incurred as a result of the student's violation. Before requiring restitution in a matter that also involves separate criminal charges, the chief operations officer, or designee, shall consult with the local police.

H. Access Restrictions

Access Restrictions are restrictions on a student's ability to attend or access specific services, facilities, and/or extracurricular activities or events. An access restriction shall not include prohibiting a student from attending a class or classes in which the student is enrolled.

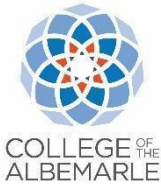
I. Service and Related Activities

A student may be required to complete an educational program at the student's expense, write a paper or letter of apology, or engage in educational or community service appropriate to a specific student code violation.

J. Administrative Hold

An administrative hold is a sanction that precludes a student from registering, receiving transcripts or graduating until clearance has been received from the college president or vice president based on the student's completion of specified conditions, such as the return of property, completion of community service obligations, payment of restitution, etc. An administrative hold may only be imposed on a student when the student has received one of the following disciplinary sanctions:

- a suspension
- mandated withdrawal of the student from class(es), or from a College program,



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 4 of 8

- a dismissal
- restitution requirements, or
- service related activities requirements

IV. 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:

A. Incident Report

Any College employee or student may file written charges with the vice president, or designee, against any student or student organization for violations of the Student Code of Conduct. The individual(s) making the charge must complete and submit an incident report within five (5) College working days of the incident given rise to the alleged violation.

B. Investigation and Determination

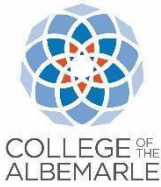
The vice president, or designee, shall conduct an investigation into the charges and allegations. Within ten (10) College working days after receipt of the incident report, the vice president, or designee, shall complete his/her investigation of the charges and shall meet with the student (or student representative(s) on behalf of a student organization), present the results of the investigation and provided the student (or student representative(s)) with an opportunity to present his/her side. After discussing the alleged infraction with the student, the vice president, or designee, may act as follows:

1. Drop the charges;
2. Impose a sanction; or
3. Refer the student(s) to a College office or community agency for services.

All disciplinary actions should be progressive in nature and should take into account the totality of the situation; however, depending on the severity of the infraction, even first-time offenses could result in suspension or dismissal.

C. Notification

The vice president, or designee, shall provide the student with the decision in writing and instructions governing the appeal process. Such notice shall be given in person or sent to the student's College email address or mailing address of record.



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 5 of 8

The vice president, or designee, shall provide the complainant with official notification upon receipt of the complaint as well as notification upon completion of the investigation. Based on the type of sanction, details of the determination may be provided to the complainant, appropriate dean and/or campus security.

V. DISCIPLINARY APPEAL PROCEDURE

A. Informal

The vice president, or designee, will make every effort to resolve the complaint on an informal basis. If an informal resolution is not possible, the student has the right to due process through a formal appeal process. Documentation regarding the informal resolution will be maintained using the College's incident reporting system.

B. Formal

1. Requesting a Hearing

A student may appeal a disciplinary sanction to the student disciplinary appeals committee. The appeal must be made in writing to the vice president, or designee. The appeal must be received within three college working days after the student's notification of the disciplinary sanction.

Hearing Committee Make-up:

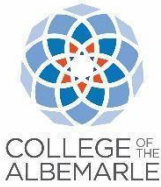
The vice president, or designee, will notify the chairperson of the student disciplinary appeals committee to convene members to hear the student appeal. The purpose of the Student Disciplinary Appeals committee is to hear appeals of disciplinary actions and to uphold, modify or reverse a disciplinary sanction against a student. The committee must have the following members:

- a. one student
- b. three faculty members
- c. two staff members

The vice president provides committee oversight with every effort made to have one of the faculty/staff representatives be from the student's division and present at the appeal hearing.

The following process will be initiated after a written appeal is submitted.

2. Notice of Hearing



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 6 of 8

The committee chair will notify committee members, the student making the appeal and the complainant of the hearing date and time. The hearing shall be held within three college working days following receipt of the appeal from the student except in unusual circumstances or with the consent of the student. The committee chair must be notified, in advance, and may reschedule the hearing if any party is unable to appear at the scheduled meeting for a valid reason.

3. Rules and Regulations

- a. The vice president, or designee, shall provide the committee chair with a copy of the written appeal, the incident report and documented investigative reports relevant to the case. The committee chair will distribute supporting documentation to committee members prior to the hearing.
- b. If any party fails to appear at the scheduled hearing without a valid reason, the committee may make its decision based upon any information received from parties or witnesses appearing at the hearing and/or the written documentation submitted prior to the hearing.
- c. No one who has been involved in the investigation of the case or who may have some other interest in the case that may affect their impartiality shall serve on the committee.
- d. The committee chair shall preside over the hearing and shall:
 - i. Determine who will be allowed to attend the hearing,
 - ii. Establish the order in which the sides shall present their information and establish time frames,
 - iii. Make a recording of the hearing (no other recording is permissible). The recording will be accessible only to the members of the committee participating in the hearing, vice president, and the president of the College. The deliberations and voting of the individual committee members will not be recorded.
 - iv. Report, or select a committee member to report, the committee's decision.
 - v. Decide whether to have an attorney present to advise the committee.
 - vi. Decide on ways to enhance the orderly presentation of evidence.
 - vii. Control the conduct, language, volume and actions of the parties to prevent harassment or intimidation of the participants.
- e. The student making the appeal and the complainant, will each present their own case and may present documents or other tangible evidence and call witnesses that have been approved prior to the hearing by the committee chair. The student may have an attorney present but they may serve only as an



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 7 of 8

advisor to the student, and may not serve as a participant in the hearing. In the event the student chooses to have an attorney present, advance notice must be given to the committee chair at least 36 hours before the hearing so that the committee and/or complainant may have legal counsel present to advise them, if desired. Failure of a student to give advance notice that they will be advised by legal counsel may result in a rescheduling of the hearing until the committee and/or complainant can arrange to have counsel present.

- f. The student has a right to be present when all information is presented to the committee. The student shall receive copies of all documents submitted to the committee. The committee chair has the authority to exclude the identity of any student witnesses identified on documents in order to protect the student witness from harassment, reprisal or danger. Where practical, all documents that are submitted to the committee should be exchanged between the parties in advance. This means that the student and complainant must exchange with each other any documents they intend to use at the hearing. The student may be allowed to question any witness who appears before the committee. Alternatively, the student may elect to respond to the information provided by any witness. The committee chair may exclude any information that is considered irrelevant, redundant, immaterial, unreliable or unduly prejudicial.
- g. Hearings before the committee are not legal proceedings. Formal rules of evidence are not applied. The committee or its chair, may decide to admit any evidence that is considered to be generally reliable and competent, as well as what weight to give to any evidence. Decisions will be based on a preponderance of the evidence.
- h. Members of the committee shall have the right to call other persons to appear and to question anyone present.
- i. Copies of the committee's case summary shall be kept according to the North Carolina Community College's Records, Retention and Disposition Schedule in the College's incident reporting system and retained in files separate from the student's permanent academic record. A notification of the committee's decision shall be mailed by certified mail to the student and/or hand delivered with a staff member witnessing the act.
- j. When applicable, a notification of the committee's decision and any sanctions that require the involvement of staff, faculty and/or campus security will be provided to the appropriate employee(s).
- k. An appeal of the Student Disciplinary Appeals Committee decision may only be made if (a) new or additional evidence is discovered or (b) a violation of the hearing process negatively impacted the student's case.



College of The Albemarle Procedure

Procedure Number: 5.3.2.2

Pages: 8 of 8

- I. The decision of the Student Disciplinary Appeals Committee may be appealed by the student in writing to the college president by 4:30 p.m. on the next college working day after the student's notification of the appeal. The president's decision is final.

- m. A campus security officer will attend the hearing if there are possible safety and/or security concerns or if the parties feel the proceedings may become contentious.

- n. Unless the law requires, the hearings are not open to the public.

June 13, 2023

June 10, 2024

June 10, 2024

Date Approved by President's Leadership Team

Date of Last Review

Date of Last Revision