

Student Handbook

Academic Appeal Procedure

Students who feel that they have been treated unjustly by a faculty member in any matter pertaining to their academic work shall appeal first to the faculty member. If necessary, an appeal in writing shall be addressed to the chairperson of the department in which the faculty member teaches.

If after appealing to the instructor and department chairperson, a student remains dissatisfied or believes suitable action has not taken place, the student may appeal the decision in writing to the Vice President of Academic and Workforce Development and then to the President of the College.

Academic Complaint Procedure

Students who feel that they have been treated unjustly by an instructor in any matter pertaining to their academic work normally shall appeal first to the instructor. If necessary, an appeal may then be addressed to the chairperson of the department in which the instructor teaches.

If, after appealing to the instructor and department chairperson, the student is dissatisfied or suitable action has not been taken, the student may appeal the decision to the Division Chairperson, then Vice President of Academic Services. (See student grievance section of Student Rights and Responsibilities in the Student Handbook Section to file a formal grievance).

Campus Safety

As part of our campus security plan, students and employees are required to wear their HCC ID. Students may obtain ID's at the HCC Bookstore. Please help us make our campus a safer place to learn and work by wearing your ID.

In Case of Fire :

- Activate the fire alarm and call 911 (pulling an alarm when there is no fire is a violation of state law)
- Exit the building using the nearest exit and stay at least 100 feet away until given "all clear" signal by an HCC employee.
- Keep roads and sidewalks clear for emergency vehicles.

In Case of a Campus Emergency :

- Exit buildings, and/or the campus when asked to do so.
- Stay at least 100 feet away until given "all clear" signal

Medical Emergency :

- Contact closest HCC employee or call Campus Security.
- If a severe injury or illness occurs, call 911 or have HCC faculty/staff call 911 for emergency medical services.

- Call Campus Security to alert them of the situation so that they may assist until emergency services arrives.

Directory Information

FERPA Guidelines : PART 99-FAMILY EDUCATIONAL RIGHTS AND PRIVACY

(Federal Law: Authority: 20 U.S.C. 1232g(a)(5)(A))

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

(a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g. , undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

Students who do not wish any or all of the above directory information released to outside agencies must notify the Director of Enrollment Management in writing within 10 days after their initial registration. No records, other than directory information, shall be available to unauthorized persons within the college or to any unauthorized persons or groups outside the college without the written consent of the student involved, except under legal compulsion. For additional information and clarification, students should discuss the Family Education Rights and Privacy Act with a member of Student Success Services.

The following persons or groups may have access without student consent:

1. Parents of dependent students, with required documentation.
2. School faculty and other school officials with legitimate educational interests.
3. Authorized representatives of federal or state government.
4. Authorized organizations conducting studies relating to testing, financial aid, or instruction.
5. Accrediting organizations.
6. In emergencies, appropriate persons if necessary to protect health or safety of the student or others.

Students may request permission to review their record(s) in the Student Success Services Office. Students questioning the content of their record(s) shall first review the record(s) with the Director of Enrollment Management or the Executive Director of Student Success Services. Upon written request by the student, a committee appointed by the President shall

review all unresolved questions. The final review shall rest with the President of the college. The college reserves the right to require appointments for examination of records should the need exist.

Drug, Alcohol and Tobacco Use

College policy states that alcohol or controlled substances are not allowed on campus or at any HCC sponsored activity. Information concerning the dangers of substance abuse is distributed to all students at orientation. For more information on the disciplinary ramifications, please see the drug and alcohol abuse section under the student code of conduct.

The College counselor in Student Success Services will be happy to work with anyone who has a substance abuse problem and wants help. All conversations are strictly confidential. Please contact the College Counselor at 627-4504.

Drug Abuse Prevention Program

It is the official position of Haywood Community College to protect its students, faculty, and staff from the dangers of drug and alcohol abuse.

Effective drug and alcohol abuse prevention improves students' chances for successfully completing training and initiating successful careers. Faculty and staff are assured of better performance on the job and the image of the College is strengthened. Official college policy concerning the use of illegal drugs and intoxicants for students is found in the Conduct and Standards section located in the college catalog. For faculty and staff, the policy is found in appropriate section of the HCC Policies and Procedures Manual.

An ongoing informational program about the dangers of drug and alcohol abuse is provided in the form of brochures, pamphlets, videos, and visiting speakers for students, faculty and staff. New students and staff are made aware of the college's anti-drug policy and assistance programs available to them as a part of their orientation. Students, faculty, and staff seeking assistance for substance abuse or related problems may utilize the services of the college counselors whose offices are located in the Student Success Services area on campus. These services are available free of charge and will be provided in a strictly confidential and professional manner. For those who need services beyond the capabilities of the college counseling staff or who do not wish to use the services, a referral service is available.

Drug and Alcohol Policy and Purpose: The purpose of this directive is to declare college policy on the maintenance of an alcohol and drug-free campus. This policy complies with the Drug-Free Schools and Communities Act (Amendment of 1989, Public Law 101-226) as well as the Drug-Free Workplace Act of 1988.

Distribution of materials indicating health risks associated with the use of illicit drugs and abuse of alcohol as well as a summary of the applicable legal Policies and Procedures sanctions under local, state, and federal laws will be distributed to students and employees on an annual basis.

Policy : The abuse and use of drugs and alcohol are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs or alcohol may impair the well-being of all employees, students, and the public at large; drug and alcohol usage may also result in damage to college property. Therefore, it is the policy of Haywood Community College that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol, is prohibited while in the workplace, on college premises, or as part of any college sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and the referral for prosecution. The specifics of this policy are as follows:

- (1) Haywood Community College does not differentiate between drug users, drug pushers, or sellers. Any employee or student who possesses, uses, sells, gives, or in any way transfers a controlled substance to another person, or manufactures a controlled substance while in the workplace, on college premises, or as part of any college sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.
- (2) The term "controlled substance" means any drug listed in 21 CFP Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack." They also include "legal drugs" which are not prescribed by a licensed physician.
- (3) If any employee or student is convicted of violating any criminal drug statute while in the workplace, on college premises, or as part of any college sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the college may require the employee or student to successfully finish a drug abuse program sponsored by an approved private or governmental institution as a precondition for continued employment or enrollment at the college.
- (4) Each employee or student is required to inform the college, in writing, within five (5) days after he or she is convicted for violation of any federal, state, or local criminal drug statute where such violation occurred while in the workplace,

on college premises, or as part of any college sponsored activity. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

- (5) Convictions of employees working under federal grants for violating drug the workplace, on college premises, or as part of any college sponsored activity, shall be reported to the appropriate federal agency. The President of Haywood Community College must notify the U.S. government agency, with which the grant was made, within ten (10) days after receiving notice from the employee or otherwise receives actual notice of a violation of a criminal drug statute occurring in the workplace. The college shall take appropriate disciplinary action within 30 calendar days from receipt of notice. A condition of further employment on any federal government grant, the law requires all employees to abide by this policy.
- (6) Students employed by the College are considered to be employees of the College.
- (7) Any employee or student who unlawfully possesses, uses, sells, or transfers alcoholic beverages laws in to another person while in the workplace, on college premises, or as part of any college sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.
- (8) If an employee or student is convicted of violating any alcoholic beverage control statute while in the workplace, on college premises, or as part of any college sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the college may require the employee or student to successfully finish an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition for continued employment or enrollment at the college.
- (9) The term alcoholic beverage includes beer, wine, whiskey, and any other beverage listed in Chapter 18B of the General Statutes of North Carolina.
- (10) Each employee or student is required to inform the college, in writing, within five (5) days after he or she is convicted of any alcoholic beverage control statute where such violation occurred while in the workplace, on college premises, or as part of any college sponsored activity.

Tobacco Use on Campus

Effective January 1, 2010, the use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, or other tobacco products) is prohibited on Haywood Community College property. This policy applies to all students, faculty, staff and visitors. Tobacco use and the

discarding of tobacco and tobacco related products is not allowed in any building, in any open area of campus property (including parking lots), and in college owned vehicles.

Inclement Weather Information

When inclement weather occurs, an official announcement stating that classes are on a delayed schedule or the College is closed will be made over area television and radio stations and posted on the home page of HCC’s website at www.haywood.edu. An announcement for day classes will be made by at least 6:00 a.m. or before if possible, and by 3:00 p.m. or earlier if possible for evening classes (classes beginning at 4:00 p.m. or later). Announcements will reflect weather conditions at the College not the conditions of Haywood County Public Schools. A detailed listing of media carrying announcements can be found below. Commuters should exercise personal judgment concerning highway conditions regardless of College announcements, particularly those commuting from other counties or remote areas.

Telephone : HCC Hotline : (828) 627-4517

Website : www.haywood.edu

(Look for an announcement above the home page)

Local television and radio stations including:

WLOS TV Channel 13	WFSC/WNCC	WNCW
WSPA TV Channel 7	WWNC/Kiss FM	WCQS
WYFF TV Channel 4	WQNS	WRGC
WFGW/WMIT	WPTL FOX Carolina	

COLLEGE Closed : Extremely hazardous conditions; no one reports to work or class.

CLASSES Canceled : College remains open; staff reports at 10:00 a.m.

DELAYED Schedule : Class schedule begins at 10:00 a.m. Students and employees report at 10:00 a.m.

Minors on Campus

The College encourages visits to its campus, but due to certain conditions on campus that could be hazardous to children, all minors, under the age of sixteen, must be supervised at all times by a responsible adult. The College does not assume responsibility for their supervision. Minors, under the age of sixteen, are not permitted in classrooms, shops, or laboratories during regularly scheduled courses unless they are attending as students enrolled in the Concurrent Enrollment Program, Haywood Early College High School, or the Intellectually Gifted Program. Students are asked not to bring children with them to class, to campus meetings or activities unless the activity specified is open to children.

The College offers childcare services on campus at the Center for the Advancement of Children.

Parking

Public high school students enrolled in the Concurrent Enrollment Program may park in college parking lots provided they have on display a valid parking decal from his or her high school. All other students, or their parents or guardians, must display a current HCC parking decal. The parking decals are available in the College Bookstore.

Sexual Harassment Policy

It is the policy of Haywood Community College, consistent with its effort to foster an environment of respect for the dignity and worth of all members of the College community, that sexual harassment of students and employees of Haywood Community College is unacceptable and impermissible conduct which will not be tolerated. Specific student complaints of alleged discrimination under Title IX (sex) and Section 504 (handicap) should be referred to:

- Executive Director of Student Success Services, Student Center Building (828) 565-4220.
- For specific acts of sexual assault against a student, immediately contact: HCC Campus Security (office 627-4514, cell phone 734-5410) or local law enforcement and emergency agencies (911). A formal complaint should also be filed with the Executive Director of Student Success Services.

Policy Purpose

- To inform all employees and students that harassment because of age, race, sex, color, religion, disability, national origin, political affiliation, and marital status is unacceptable behavior.
- To provide a procedure to address and resolve complaints of harassment of employees and/or students by supervisors, instructors, fellow employees/students, or non-employees/non-students.

Definition: Sexual harassment is defined by federal guidelines as “unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of employment/enrollment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment/enrollment decisions affecting such individuals, or
- conduct has the purpose or effect of unreasonably interfering with an individual’s work or study performance or creating an intimidatihostile, or offensive work or study environment.

Coverage: All employees and students of the College are covered by this policy.

Policy: The College expressly forbids harassment of employees and/or students because of age, race, sex, color,

religion, disability, national origin, political affiliation, and marital status. All employees and students should clearly understand that, even in mild forms, such harassment constitutes unsatisfactory job/school performance and is subject to disciplinary action. More serious instances of harassment will carry more serious penalties up to and including dismissal.

Complaint Procedure: If you are being harassed by your supervisor, instructor, another employee/student, or a non employee/student, or other person interacting with the college (such as vendors and relatives of persons employed by or enrolled in the College), there are three alternative complaint procedures:

Alternative 1 : Notify your supervisor/instructor or Vice President of Academic Services of the situation. These individuals are responsible for notifying the President’s Office of the complaint and cooperating in investigating the situation and taking corrective action.

Alternative 2 : If you do not feel that you can talk with your supervisor/instructor about the problem, or if the harassment is coming from your supervisor /instructor, you are encouraged to seek out another superior within your department and notify him or her of the situation. If the matter is not resolved to your satisfaction, you may file a formal written complaint with the President.

Alternative 3 : If at any point in the process you prefer to do so, students may go to the Executive Director of Student Success Services, and employees may go to their supervisor or the Personnel Officer. These individuals notify the President’s Office of the complaint and cooperate in investigating the situation and taking reasonably prompt, appropriate action.

Reporting: Whenever the Vice President of Academic Services, Executive Director of Student Success Services, Personnel Officer, or any other supervisor or superior referred to in Alternative 1, Alternative 2, or Alternative 3 receives a complaint of sexual harassment, he or she shall promptly notify the President’s Office of such complaint.

Resolution: Upon receiving notice of a sexual harassment complaint, the President, or the President’s designee shall, based upon the particular circumstances, arrange for the complaint to be investigated, and a report of the investigation to be submitted by the appropriate person(s). Arrangements for particular aspects of the investigation, including directions as to the person(s) (employed and/ or not employed by the College) who will make inquiries, the degree of formality used in the investigation, and other considerations, shall be provided by the President or the President’s designee. The college will thereafter implement such corrective action as it deems necessary or appropriate.

The college reserves its authority to, in its judgment and discretion take various precautionary measures, before, during, or after investigating a sexual harassment complaint, in order to ensure that sexual harassment and retaliation, actual and/or perceived, does not occur. Such precautionary measures (which may or may not include cautionary letters, temporary reassignment of duties, etc.) are not, absent explicit written statement to the contrary, to be considered as disciplinary in nature.

Student Health and Services

Haywood Community College does not provide medical services for students. The responsibility for medical services rests with the student. In the case of illness or injury on campus, please call Emergency Medical Services to assist individuals. Please call Campus Security to notify them that EMS has been called so that they may assist until help arrives and help the EMS locate the person who is ill. First aid kits are available in labs and in Student Success Services. Urgent Care facilities are located a few miles from the campus at the Haywood Regional Medical Center and in Hazelwood, near Exit 100 off Hwy 19-23.

Student Insurance

A student accident insurance policy is provided for each student enrolled in a curriculum course and some courses in continuing education. The premium for this policy is included as a part of the institutional fees charged at registration.

Please note that this is a limited accident policy. The policy only covers injuries caused by accidents that occur on-campus during the hours that the College is in session and/or while the student is taking part in a college endorsed activity under the supervision and control of College officials.

Students registering for Continuing Education courses are given an option to pay the accident insurance fee at the rate indicated in the section titled Fees. This will cover any class-related injuries as covered in the limited accident policy. Instructions, insurance and incident forms can be found on the web site under current student. Further information concerning student insurance can be obtained from Student Success Services.

Policy 5.4: Student Rights and Code of Conduct Related Policies & Procedures

Effective Date: Tue, Aug 09, 1994

Amended Date: Wed, Oct 21, 2009

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 academic community, students are subject to the obligations which accrue to them by virtue of this membership. As members of the larger community of which the College is a part, students are entitled to all rights and protection accorded them by the laws of that 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 non-discriminatory 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. Students 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 expulsion.

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 Student Code of Conduct violation the right of a hearing, a presentation of charges, 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.

G. Students have the right to a voluntary medical withdrawal. When illness, injury, or psychological/psychiatric conditions or disabilities occur while a student is enrolled that interfere with a student's ability to participate in the College's programs, a student or guardian may request a medical withdrawal from school. The Executive Director of Student Success Services must approve all medical withdrawals. (See related procedures)

G. It may become necessary for an involuntary/administrative withdrawal for a student with illness, injury, or psychological/psychiatric conditions or disabilities when Section III.E of the Student Code of Conduct is violated due to behavior related to a disability that is sufficiently serious to constitute a direct threat. (See related procedures)

III. Student Code of Conduct

The College reserves the right to maintain a safe and orderly educational environment for students and staff. Therefore, when, in the judgment of College officials, 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.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The purpose of this code is not to restrict student rights but to protect the rights of individuals in their academic pursuits.

The following regulations set forth rules of conduct which prohibit certain types of student behavior. Violation of one or more of the following regulations may result in one of the sanctions described in the Student Discipline Policy:

A. Academic Dishonesty - taking or acquiring possession of any academic material (test information, research papers, notes, etc.) from a member of the College staff or student body without permission; receiving or giving help during tests; submitting papers or reports (that are supposed to be original work) that are not entirely the student's own; not giving credit for others' work (plagiarism).

B. Theft of, misuse of, or damage to College property, or theft of or damage to 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 of or use 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. 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.

D. Lewd or indecent conduct, including public physical or verbal action or distribution of obscene or libelous written material.

E. Mental or physical abuse of any person on College premises or at College-sponsored or College-supervised functions, including verbal or physical actions which threaten or endanger the health or safety of any such persons or which promote hatred or racial prejudice.

F. Any act, comment, or behavior which is of a sexually suggestive or harassing nature and which in any way interferes with a student's or an employee's performance or creates an intimidating, hostile, or offensive environment.

G. Intentional obstruction or disruption of teaching, research, administration or disciplinary proceedings, or other College activities, including public service functions, and other duly authorized activities on College premises.

H. Occupation or seizure in any manner of College property, a College facility or any portion thereof for a use inconsistent with prescribed, customary, or authorized use.

I. Participating in or conducting an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which interferes with free access to, ingress or egress of College facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions of the College; remaining at the scene of such an assembly after being asked to leave by a representative of the College staff.

J. Possession or use of a firearm (with the exception of law enforcement officers) 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.

K. Setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment.

L. Gambling on the college campus or at college-sponsored functions off-campus.

M. Smoking and/or using other forms of tobacco products on HCC property, which includes but is not limited to college vehicles, classrooms, shops, and labs or other unauthorized areas.

N. Violation of College regulations regarding the operation and parking of motor vehicles.

O. Forgery, alteration, or misuse of College documents, records, or instruments of identification with intent to deceive.

P. Failure to comply with instructions of College officials acting in performance of their duties.

Q. Violation of the terms of disciplinary probation or any College regulation during the period of probation.

R. Fiscal irresponsibility such as failure to pay College-levied fines, failure to repay College-funded loans, or the passing of worthless checks to College officials.

S. Violation of a local, state, or federal criminal law on College premises adversely affecting the College community's pursuit of its proper educational purposes.

T. Willful creation or distribution of anonymous documents, letters, phone calls, etc. containing libelous, slanderous, erroneous, or unfounded information that is disruptive to the mission, administration, students, and educational environment of the college.

U. Willfully or deliberately made false or misleading statements about college business or official records or about college employees or students.

Procedure 5.4.2: Voluntary Medical Withdrawal Procedures

Amended Date: Wed, Oct 21, 2009

Documentation of the illness, injury, or psychological/psychiatric disorder from a medical professional is required prior to the approval of a voluntary medical withdrawal.

The following steps shall be taken for students desiring a voluntary medical withdrawal:

1. Students must submit medical documentation supporting a request for a medical withdrawal within 30 days of the last attended class unless medical documentation is provided that satisfactorily explains a longer time period. It is most feasible that the request and documentation be submitted before the end of the semester (and end of the classes) in question but they will be accepted as necessitated by the medical condition. The documentation must be submitted to the Executive Director of Student Success Services.
2. The Executive Director of Student Success Services will review all submitted documentation and make a decision regarding voluntary medical withdrawal within 10 business days after the receipt of the said documentation.
3. The decision of the Executive Director of Student Success Services will be communicated to the student via registered mail.
4. Students who are granted medical withdrawals will receive the grade of W (withdrawn) in all courses in progress and/or specified in the request.
5. Specific conditions for re-admittance are stipulated at the time of withdrawal. These conditions may specify a minimum period of time for the withdrawal and/or may require a letter of medical clearance from a physician, psychologist, or psychiatrist stating that in the professional expert's opinion the student is now capable of handling the academic and social demands of college.

Procedure 5.4.3: Involuntary/Administrative Withdrawal for Students with Medical, Mental/ Psychological Conditions or Disabilities

Amended Date: Wed, Oct 21, 2009

When a complaint is made under Section E of the Student Code of Conduct whereby a student is accused of violating the provision dealing with "the mental or physical abuse of any person on College premises or at College-sponsored or College-supervised functions, including verbal or physical actions which threaten or endanger the health or safety of any such person," then the following procedures will be engaged.

1. In making the determinations required by these procedures, the Executive Director of Student Success Services (EDSSS) will review all available information obtained from incident reports, conversations with

students, faculty and staff, and – for students with disabilities -- the expert opinions of appropriate medical professionals. The EDSSS will attempt to render a decision and present that decision to the student via registered mail within 10 business days of initiation of issue. The need to obtain required documentation and/or participation by appropriate medical professionals or the student may require additional time. The College may refer the student to an independent medical expert that offers free counseling services or the student could elect to use his/her own independent medical expert and bear the cost.

2. In making the determinations required by these procedures, the EDSSS will engage in a determination on an individualized, case-by-case basis. Where the College proposes to take an adverse action (including, but not limited to, removal from the College) against a student whose disability or disability-related conduct may pose a significant risk to the health or safety of others, the EDSSS will apply the direct threat analysis required by Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. A significant risk constitutes a high probability of substantial harm and not just a slightly increased, speculative, or remote risk. In determining whether a student with a disability (as defined by Section 504 and Title II) poses a direct threat, the EDSSS will make an individualized assessment based on a reasonable judgment that relies on current medical knowledge or on the best available evidence, to ascertain the nature, duration, and severity of the risk and the likelihood, imminence and nature of future harmful conduct, either to the student or to others in the college community. The EDSSS will also consider whether there are any reasonable modifications of policies, practices, or procedures that will mitigate future risk. Note that, if a student with a disability engages in misconduct unrelated to the disability, then the student may be treated the same under the Code of Conduct as any other student.
3. The EDSSS will meet with the student (if possible), giving notice to the student of the meeting and providing an opportunity for the student (and his/her family if the student has a signed waiver indicating permission to share information) to provide evidence to the contrary and/or, for students with disabilities, to make suggestions for reasonable modification(s) short of involuntary withdrawal from the college.
4. If, after conversation, a student with a disability chooses to withdraw voluntarily, a Withdrawal Form will be processed indicating that the withdrawal is voluntary and of a medical nature and setting appropriate conditions for the student's return.
5. If it becomes evident (through observed behavior or by report(s) from faculty, staff or students) that a withdrawal

from the college may be in the best interest of a student with a disability and the college and the student (and/or his or her family) does not agree, then the following procedures will be engaged:

- a. If, after conversation, the student maintains that s/he would like to remain enrolled, the EDSSS will consult with appropriate medical professionals regarding the evidence presented by the student. [Failure by the student to sign the Consent to Share Information form so that medical/clinical professionals may be consulted will result in the involuntary withdrawal from the college as the college will have insufficient evidence to render an individualized determination]. The Executive Director will also consult with the Academic Vice President and other college officials as appropriate.
 - b. Should the decision be to withdraw the student involuntarily, appropriate conditions for return will be contained within the withdrawal letter. The college will not as a condition of return mandate that the behavior at issue cease unless that behavior continues to constitute a direct threat. The college will require, as a condition for return, a signed release by the student for the EDSSS and appropriate college officials to discuss with the student's medical care provider(s) the student's readiness to return to college and to obtain assistance in developing reasonable modification(s) to mitigate any direct threat.
 - c. Should the decision be to withdraw the student involuntarily, the student will be informed of the College's grievance procedures applicable to complaints of discrimination based on disability. The decision reached will be the final decision.
6. In certain circumstances where there is an alleged or perceived direct threat, the EDSSS may impose an interim suspension prior to the formal proceedings described above. Interim suspension may be imposed only: (a) to ensure the safety and well-being of members of the college; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a direct threat of disruption of or interference with the normal operations of the college. During interim suspension, the student shall be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the EDSSS may determine to be appropriate.

Policy 5.7: Student Discipline Policy

Related Policies & Procedures

Effective Date: Wed, Oct 21, 2009

HCC considers the guidelines set forth by the Student Rights and Code of Conduct Policy as conducive to a positive environment. If a student fails to behave in a manner consistent with these guidelines, the college reserves the right to impose disciplinary action. Disciplinary action may be initiated for violation of any rule or regulation of the College. This policy applies to conduct which occurs while a student is attending or participating in any Haywood Community College sponsored event or activity, on campus and on other property or facilities owned, controlled or used by HCC. (See related procedures)

Sanctions

- A. Reprimand: A written communication which gives official notice to the student that any subsequent offense against the Student Code of 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: the individual is given a chance to show capability and willingness to observe the Student Code of Conduct without further penalty, secondly, if the individual errs again, further action will be taken. This probation will be in effect for no more than two (2) semesters.
- 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 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, College personnel, or students.
- 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 transcript, diploma, or right to register or participate in graduation ceremonies: Imposed when financial obligations are not met. (Will not be allowed to register until all financial obligations are met.)
- H. Suspension: Exclusion from class(es), and/or all other privileges or activities of the College for a specific 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 Executive Director 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.
- J. Group Probation: This is given to a College club or other organized group for a specified period of time. If group violations are repeated during the term of the sentence, the charter may be revoked or activities restricted.
- K. Group Restrictions: Removing College recognition during the semester in which the offense occurred or for a longer period (usually not more than one other semester). While under restriction, the group may not seek or add members, hold or sponsor events in the College community, or engage in other activities as specified.
- L. Group Charter Revocation: Removal of College recognition for a group, club, society, or other organizations for a minimum of two years. Recharter after that time must be approved by the President.
- M. Community Service: assigning a specific community service project and number of contact work hours to be completed for a designated department on the College Campus for a violation of the Student Code of Conduct as deemed appropriate by the Executive Director of Student Success Services.

In addition to the above stated sanctions the college may require counseling:

Personal Counseling Referral: The student may be required to attend one or more counseling sessions with a licensed professional counselor. The student may be required to complete counseling before returning to the College. The student must provide written documentation from the licensed professional that the requirement has been met; additionally, if required by the Executive Director, a statement from the licensed professional that the student is able to return to class based on his/her professional judgment. The student may be referred by the college to a licensed professional counselor at no charge or elect to use his/her own licensed professional counselor and bear the cost.

Note: Per NC Administrative Code, the transcript of the student receiving a sanction of suspension or expulsion will denote: “disciplinary expulsion” or “disciplinary suspension.”

Procedure 5.7.1: Student Discipline Procedures

Effective Date: Tue, Aug 09, 1994

Amended Date: Wed, Oct 21, 2009

Disciplinary Procedures

HCC considers the guidelines set forth by the Student Rights and Code of Conduct Policy as conducive to a positive environment. If a student fails to behave in a manner consistent with these guidelines, the college reserves the right to impose disciplinary action. Disciplinary action may be initiated for violation of any rule or regulation of the College. This policy applies to conduct which occurs while a student is attending or participating in any Haywood Community College sponsored event or activity, on campus and on other property or facilities owned, controlled or used by HCC. (See related procedures)

For purpose of brevity the title of “Executive Director” will refer to the Chief Student Development Officer throughout this document). If the Executive Director is unavailable, his/her designee will assume the duties of the ED.

1. 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 office may direct student(s) involved to cease and desist such conduct and advise them that failing to cease and desist will 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 Chief Student Development Officer in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than two days following the incident. The Chief Student Development Officer shall resolve the matter in a timely fashion utilizing the steps outlined below in Section IV, C.

2. Responsibility for Implementation

The Executive Director is responsible for implementing student discipline procedures.

3. Disciplinary Procedures

In order to provide an orderly procedure 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 Executive Director against any student or student organization for violations of College regulations.

The individual(s) making the charge must complete a charge form. (Available from the office of the Executive Director) stating:

The completed charge form should be forwarded directly to the Executive Director within five (5) working days of the incident. The Executive Director will notify the student of the charge within five (5) working days of receipt of the charge form. The student must schedule an appointment to meet with the ED within five (5) working days after receiving notification of the charge.

- a. Name of the student(s) involved.
- b. The alleged violation of the specific Code of Conduct
- c. The time, place, and date of the incident
- d. Names of person(s) directly involved or witnesses to the infractions
- e. Any action taken that relates to the matter
- f. Desired solution(s)

2. Investigation and Decision

Within five(5) working days after the charge is filed, the Executive Director 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 Executive Director may act as follows:

Student Responsibilities: Upon notification of the alleged charges, the accused student must meet with the Executive Director and/or provide a written statement regarding the issue within five (5) working days. A written request for an extension must be approved by the Executive Director during that same time period (before the end of the five (5) working days).

In the event that the accused student does not respond to the Executive Director’s request for a meeting or statement or fails to meet with

the Executive Director or provide a statement within five (5) working days of the date of notification of the alleged charges or does not file a written request for an extension, findings will be based on information available at the time.

- 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 Executive Director 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 the Executive Director or where the student refuses to cooperate, the Executive Director shall send a certified letter to the student's last known address providing the student with a list of the charges, the Vice President's decision, and instructions governing the appeal process (Section VI).

Appeals Procedure

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

A. *Committee Composition*

Membership of the Disciplinary Review Committee shall be composed of the following:

1. Three faculty/staff members appointed by the President of the College.
2. Three student members appointed by the Student Government Association and approved by the President of the College.
3. The President will appoint one administrator to serve as committee chairperson who will vote only in case of a tie.
4. The Executive Director as an ex-officio non-voting member.

5. Committee members will serve one year from the beginning of fall semester through summer semester with replacements appointed by the President or SGA if necessary.
6. At least two faculty/staff members and two students plus the chairperson must be present in order for the committee to conduct business.

B. *Procedures for Hearings Before the Disciplinary Review Committee*

1. Procedural Responsibilities of the Executive Director

The Review committee must meet within ten (10) working days of receipt of a request for a hearing. At least five (5) working days prior to the date set for the hearing, the Executive Director shall send a certified letter to the student's last known address providing the student with the following information:

On written request of the student, the hearing may be held prior to the expiration of the five-day (5) notification period, if the Executive Director concurs with this change.

- 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.
 - d. A list of witnesses.
 - e. The names of committee members.
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.
 - b. The right to produce witnesses on one's behalf.
 - c. The right to request, in writing, the President to disqualify any member of the committee for prejudice or bias. (The request 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 appropriate nominating body shall appoint a replacement to be approved by the President.
 - 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 the 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 Vice President. All tapes will be filed in the office of the Vice President.
- c. The Committee shall have the authority to adopt supplementary rules of procedures 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 two (2) working days after the decision of the Committee, the Executive Director 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 student must state the reasons for the appeal. The President shall have the authority to:

- 1. Review the findings of the proceedings of the Committee.

- 2. Hear from the student, the Executive Director and the members of the Committee before ruling on an appeal.
- 3. The President may review the information and make a judgment without the personal appearance of the student.
- 4. Approve, modify, or overturn the decision of the Committee.
- 5. Inform the student in writing of the final decision within ten (10) working days of the receipt of the appeal.
- 6. The decision of the President will be final, except for an appeal to the Board of Trustees regarding compliance with due process.

D. Appeal to the Board of Trustees

Any party of the Review Committee hearing may request in writing, a hearing before the Board of Trustees or a committee of the board regarding compliance with due process within five (5) working days of the decision of the President. The student or party filing the appeal must state the reasons for the appeal—why due process was not followed.

The Board of Trustees or a committee of the Board may review information to date and render a decision without the personal appearance before them of the parties of the Review Committee hearing or they may choose to have the parties appear before them before rendering a decision regarding compliance with due process. The decision of the Board will be made within twenty (20) working days and will be final.

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, preference or behavior, excluding sexual harassment complaints.
- 2. Sexual harassment complaints should be directed to the Vice President. Because of the sensitive nature of this kind of complaint, a conference with the Executive Director will replace the first step of the grievance procedure. The Executive Director will counsel with the student to determine the appropriate action that is required. If the grievance is not resolved

after this meeting, then the remainder of the grievance procedure will be followed.

3. Academic matters, excluding individual grades, except where the conditions in item A above apply.

B. Procedures

The Board of Trustees or a committee of the Board may review information to date and render a decision without the personal appearance before them of the parties of the Review Committee hearing or they may choose to have the parties appear before them before rendering a decision regarding compliance with due process. The decision of the Board will be made within twenty (20) working days and will be final.

1. First Step

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 (5) working days of the incident which generated the complaint.

2. Second Step

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. The Executive Director will explain the grievance process to the student. The completed grievance form must be presented to the Executive Director within five (5) working days after satisfying the first step in the grievance process. The Executive Director will then refer the grievance to the immediate supervisor involved. The supervisor shall respond in writing to the student within ten (10) working days of receipt of the grievance form from the department involved.

3. Third Step

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 (5) working days of the incident which generated the complaint.

If the written statement of the supervisor 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 (5) working days after receiving the written response of the supervisor. The request shall include a copy of the original grievance form and the reason why the supervisor's response is unsatisfactory. A copy of the supervisor's response must be attached to the request by the student.

The Executive Director shall notify immediately the President who shall insure that the Committee is organized in a manner consistent with Section C of this procedure (The Student Grievance Committee). The Executive Director 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 (5) and fifteen (15) working days following the date of 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 thus breaking the tie. The chairperson shall forward a copy of the Committee's decision to all parties involved and to the office of the President of the College within two (2) working days.

4. Fourth Step

The Committee's decision may be appealed by either party involved to the President of the College within ten (10) working days of the Committee's decision.

The President shall review the Committee's findings, conduct whatever additional inquiries that are deemed necessary, and will render a decision within ten (10) working days to receipt of the appeal.

5. Fifth Step

Either party involved may file an appeal with the Board of Trustees if they feel due process was not followed.

C. *The Student Grievance Committee*

The Disciplinary Review Committee may serve as the Student Grievance Committee or, at the direction of the President, a new committee may be formed for each grievance. Committee makeup and method of appointment will be the same as for the Disciplinary Review Committee.

D. *Right of Parties Involved in a Grievance*

When a grievance committee meeting is scheduled, the parties involved are entitled to:

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 (5) working days prior to the meeting unless they waive this requirement.
3. Review all available evidence, documents, or exhibits that each party may present at the meeting.
4. Have access to the names of the witnesses who may testify.
5. 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.