

HAYWOOD COMMUNITY COLLEGE	STUDENT SERVICES DISCIPLINE AND APPEAL FOR ACADEMIC VIOLATIONS	Procedure 5.3.2.1
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I. OVERVIEW

The Executive Vice President of Instruction and Student Services is responsible for implementing student discipline procedures for academic dishonesty. The College is committed to providing an excellent educational experience for all students. Academic integrity is an essential component to this level of education. The academic penalty for academic-related violations should be clearly stated by the instructor in each course syllabus and reviewed at the beginning of the first class meeting.

These procedures only apply to academic-related violations, outlined herein and defined in Policy 6.3.2 – Standards of Student Conduct. For non-academic violations, see Administrative Procedures 6.3.2.2.

II. SANCTIONS FOR VIOLATIONS

The following sanctions may include but are not limited to the following:

- A. Re-do the assignment, or submit another assignment.
- B. Additional course work;
- C. Loss of credit for the assignment; or
- D. Loss of credit for the class.

III. INVESTIGATION AND DETERMINATION

A. Instructor's Investigation

An instructor suspecting an incident of an academic-related violation shall follow these steps to address the concern:

In cases resulting in the loss of credit for the assignment or class, the instructor must:

1. The instructor suspecting the alleged violation shall first present concerns to the student and provide an opportunity for the student to explain or refute the concerns.
2. The student will be allowed to comment on the evidence or to present evidence to clarify the issue in question.

3. Based on the evidence presented and the student's comments, the instructor shall determine whether or not an academic-violation has occurred. This determination will result in one of the following findings:
 - a. An academic-related violation did not take place and the issue is resolved.
 - b. An act of academic dishonesty did occur in the instructor's opinion.
4. Contact the Executive Vice President of Instruction and Student Services to determine if the student had any previous occurrences of academic violations
5. Submit an official violation report through Maxient – electronic reporting system.

B. Executive Vice President of Instruction and Student Services' Determination

The instructor will communicate his/her findings to the Executive Vice President of Instruction and Student Services, who will make a disciplinary determination of sanctions based on the evidence gathered in the instructor's investigation. The severity of the disciplinary sanction(s) will take into account previous offenses of academic dishonesty, which may constitute additional disciplinary action. The Executive Vice President of Instruction and Student Services, or his/her designee, will then communicate the findings and disciplinary sanctions to the student via their official College issued email address within five (5) business days of the initial finding of academic dishonesty. If an email address is not available, the Executive Vice President of Instruction and Student Services, or his/her designee, shall send his/her written findings and disciplinary sanctions to the student's mailing address on record with the College by certified mail-return receipt. The sanctions will remain in place unless modified or overturned on appeal. The Executive Vice President of Instruction and Student Services, or his/her designee, will also notify the Executive Vice President of Instruction and Student Services, and all instructors impacted by the decision, of the findings and disciplinary sanctions imposed.

IV. ACADEMIC DISCIPLINARY APPEAL PROCEDURE

A. Appeal to the Academic Review Committee

A student who disagrees with the Executive Vice President of Instruction and Student Services' decision may request an appeal before the Academic Review Committee ("Committee"). This request must be submitted in writing to the Executive Vice President of Instruction and Student Services within three (3) working days after receipt of the instructor's decision. The Executive Vice President of Instruction and Student Services shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name

of the Reporting Individual, the name of the student(s) against whom the charge has been filed, and the relevant facts revealed by the instructor's investigation.

1. Committee Composition

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

- a. Seven faculty/staff members appointed by the President.
- b. The Executive Vice President of Instruction and Student Services will serve on the committee in resource role, without a vote.
- c. A note-taker

At least five faculty/staff members, plus the Chairperson must be present in order for the Committee to conduct business.

Committee members will serve one (1) year from the beginning of fall semester through summer semester with replacements appointed by the President necessary.

2. Committee Hearing Procedures

- a. Pre-Hearing Procedural Responsibilities of the Executive Vice President of Instruction and Student Services – The Committee must meet within ten (10) working days of receipt of the student's request for a hearing. At least five (5) working days prior to the date set for the hearing, the Executive Vice President of Instruction and Student Services shall send notification to the student(s) with the following information:

- i. A restatement of the charge or charges.
- ii. The time and place of the hearing.
- iii. A statement of the students' basic procedural rights.
- iv. A list of witnesses that the Executive Vice President of Instruction and Student Services or designee plans to present.
- v. The names of the Committee members.

At least two (2) days prior to the hearing, the student(s) will provide the Executive Vice President of Instruction and Student Services with a witness list and whether or not the student will be represented by legal counsel. Failure to notify the Executive Vice President of Instruction and Student Services regarding legal counsel could result in the hearing being continued until such time that the College can have its legal counsel present. Should the College's legal counsel attend, he/she shall serve as the procedural officer for the hearing.

b. The following due process rights shall apply to the Committee hearing:

- i. The right to counsel. The role of the person acting as counsel is solely to advise the student(s). The counsel shall not address the Committee.
- ii. The right to produce witnesses on one's behalf.
- iii. 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.
- iv. The right to present evidence.
- v. The right to know the identity of the person(s) bringing the charge(s).
- vi. The right to hear witnesses on behalf of the person(s) bringing the charge(s).
- vii. The right to testify or to refuse to testify without such refusal being detrimental to the student.

c. The following hearing procedures shall apply:

- i. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
 - The student(s)
 - Counsel(s)
 - Committee Members
 - Dean of Student Services
 - Executive Vice President of Instruction and Student Services, or designee
- ii. Witnesses shall only be present in the hearing room when giving their testimony.
- iii. The Executive Vice President of Instruction and Student Services, or designee, shall present evidence and witnesses to support his/her decision. Committee members may ask questions to the witnesses.
- iv. The student(s) will then have an opportunity to present evidence and witnesses. Committee members may ask questions to the witnesses.
- v. Each side will have an opportunity to make a short, closing argument. The hearing will be audio recorded. Recordings

will become the College's property and access to the recordings will be determined by the Committee Chairperson. All recordings will be filed in the office of the Executive Vice President of Instruction and Student Services. The Chairperson shall establish the record at the close of evidence.

- vi. Upon completion of a hearing, the Committee shall meet in closed session to affirm, reverse or modify the instructor's decision.
- vii. Committee decisions shall be made by majority vote.
- viii. Within two (2) working days after the hearing, the Chair shall notify the student(s) and Executive Vice President of Instruction and Student Services, in writing, with the Committee's decision.

B. Appeal to the President

A student who disagrees with the ("Committee") decisions may request an appeal to the President. This request must be submitted in writing to the President within three (3) working days after receipt of the Committee's decision. Appeals to the President will only be accepted if additional evidence is brought to light, or the student feels there were procedural errors or discrimination that impacted the decision of the committee.

The President will conduct an "on the record review" of the record presented to the Committee. The President shall provide a written decision to the student and Executive Vice President of Instruction and Student Services within ten (10) business days from receipt of the student's appeal.

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