

HAYWOOD COMMUNITY COLLEGE	STUDENT SERVICES DISCIPLINE AND APPEAL FOR NON-ACADEMIC VIOLATIONS	Procedure 5.3.2.2
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I. OVERVIEW

The Executive Vice President of Instruction and Student Services 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 – Sexual Harassment and Sexual Violence and for issues related to other forms of unlawful discrimination, see Procedure 5.3.4.2 – Unlawful Discrimination.

II. SANCTIONS FOR VIOLATIONS

The following sanctions may be imposed for non-academic violations:

- A. **Reprimand** - A reprimand is written communication which gives official notice to the student that any further disciplinary offense will carry heavier penalties because of this prior infraction.
- B. **General Probation** - General probation occurs when a student has broken the code of conduct for the first time; however, the action is not severe enough in nature to warrant a more restrictive reprimand. A student being placed on general probation will be warned that any future offense(s) will likely constitute further, more severe reprimands."
- C. **Restrictive Probation** - Restrictive probation results in loss of good standing and becomes a matter of record. While on restrictive probation, the student will not be eligible for initiation into any local or national organization and shall not receive any College award or other honorary recognition. The student 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 extracurricular activities including intramural competitions. Restrictive probation will be in effect for not less than two (2) semesters including the current semester. Any further disciplinary offenses while under restrictive probation will result in the student's immediate suspension.
- D. **Restitution** - Restitution is paying for damaging, misusing, destroying or losing property belonging to the College, College employees or students. Restitution may take the form of financial payment or appropriate service to repair or otherwise compensate for such damages.

- E. **Withholding Academic Records and/or the Right to Register** - Withholding official transcripts, diplomas or the right to register or participate in graduation ceremonies is imposed when a student's financial obligations are not met or the student has a disciplinary case pending final disposition.
- F. **Interim Suspension** - Interim suspension is the exclusion from all College property and all College activities pending the resolution of a disciplinary proceeding.
- G. **Disciplinary Suspension** – Disciplinary suspension is the exclusion from all College property and all College activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than disciplinary probation. A student under disciplinary suspension must receive specific written permission from the Executive Vice President of Instruction and Student Services before returning to campus. Disciplinary suspension appears on the student's academic transcript.
- H. **Expulsion** - Expulsion is dismissing from the College. The student may be readmitted to the College only with the approval of the President. Expulsion appears on the student's academic transcript.
- I. **Group Probation** - Group probation is given to a College club or other organized student group for a specified period of time. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
- J. **Group Restriction** - Group restriction is removing College recognition during the semester which the offense occurred, or for a longer period (usually not more than one other semester). While under restriction, the group may not seek to add members, hold or sponsor events in the College community or engage in other activities as specified.
- K. **Group Charter Revocation** - Revocation is the removal of College recognition for a group, club, society or other organization for a minimum of two (2) years. Re-charter after that time must be approved by the President.

III. IMMEDIATE REMOVAL FROM CAMPUS

If an act of misconduct threatens the health, safety or well-being of any member of the academic community and/or seriously disrupts the function and good order of the College, an instructor will immediately notify the Executive Vice President of Instruction and Student Services or Dean who will immediately meet with the student and direct the student to cease and desist such conduct and advise the student that failing to cease and desist will result in an immediate removal from campus. If the student(s) fail(s) to cease and desist, or if the behavior is such that the student(s) needs to immediately be removed from campus, the Executive Vice President of Instruction and Student Services or Dean may then immediately have the student(s) removed from campus.

The Executive Vice President of Instruction and Student Services or Dean invoking the removal shall notify the Dean of Student Services in writing of the student involved and the nature of the infraction as soon as possible but no more than one (1) working day following the incident. Upon receipt of the Executive Vice President of Instruction and Student Services or Dean's written notice, the Dean of Student Services shall meet with the student as soon as possible to allow the student to present his/her side. If, in the Dean of Student Services' opinion, the student's behavior threatens the health, safety and well-being of the College community, the Dean of Student Services shall place the student on interim suspension pending the outcome of the disciplinary matter. 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 or interference with the normal operations of the College.

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 Dean of Student Services 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) business days of the incident given rise to the alleged violation.

B. Investigation and Determination

The Dean of Student Services, or his/her designee, shall conduct an investigation into the charges and allegations. Within ten (10) business days after receipt of the incident report, the Executive Vice President of Instruction and Student Services, or his/her 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 provide the student (or student representative(s)) with an opportunity to present his/her side. After discussing the alleged infraction with the student, the Dean of Student Services or his/her designee may act as follows:

1. Drop the charges; or
2. Impose a sanction

C. Notification

The Dean of Student Services, or his/her designee, shall provide the student with his/her written decision 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 via Certified mail – return receipt. Notification will also be sent to the Executive Vice President of Instruction and Student Services, and any instructors impacted by the decision.

V. Student Voluntary Withdrawal

If a student is accused of violating the Student Code of Conduct and voluntarily withdraws prior to the conclusion of the disciplinary matter without the consent of the Dean of Student Services, the student will not be allowed to re-enroll to the College unless reasonable re-entry restrictions, as determined by the Dean of Student Services, are satisfied. For students who withdrew prior to a determination regarding alleged misconduct that threatened the health, safety or well-being of any member of the academic community and/or seriously disrupted the function and good order of the College, in addition to other reasonable re-entry restrictions, the student must provide proof from a psychiatrist or licensed psychologist, at the student's expense, that the student no longer poses a direct threat.

VI. DISCIPLINARY APPEAL PROCEDURE

A. Appeal to the Disciplinary Review Committee

A student who disagrees with the Dean of Student Service's decision may request an appeal before the Disciplinary 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 Dean of Student Services 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 Dean of Student Services' investigation.

1. Committee Composition

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

- a. Three faculty/staff members appointed by the Executive Vice President of Instruction and Student Services.
- b. Three student members appointed by the Student Government Association and approved by the Executive Vice President of Instruction and Student Services.
- c. The Executive Vice President of Instruction and Student Services who will serve as the chair without a vote, unless there is a tie.

- d. The Dean of Student Services will serve on the committee in a resource role.
- e. A note-taker

At least two faculty/staff members and two students 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 Executive Vice President of Instruction and Student Services or SGA if 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 Executive Vice President of Instruction and Student Services 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 Executive Vice President of Instruction and Student Services.

- 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
 - 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 Dean of 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 Dean of 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 Dean of Student Service'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 Dean of 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, the Dean of Student Services, and the Executive Vice President of Instruction and Student Services within ten (10) business days from receipt of the student’s appeal.

Adopted: 09-28-2017

Revised: 08-16-2024