

STUDENT CODE OF CONDUCT (STUDENT RIGHTS AND RESPONSIBILITIES)

POLICY

The Student Code of Conduct Policy includes information concerning student rights, responsibilities, and procedures. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and 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 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. When students violate College regulations, they are subject to disciplinary action by Brunswick Community College whether or not the conduct violates both College regulations and the law. The College may take disciplinary action independent of that taken by legal authorities.

Students shall enjoy all the rights and privileges guaranteed to every citizen by the Constitution of the United States and by the State of North Carolina. Students are free to pursue their educational goals through appropriate opportunities for learning in the classroom and on the campus. Students have the right to freedom of expression, inquiry, and assembly without restraint or censorship subject to rules and regulations regarding time, place and manner as specified in the College's Free Speech and Public Assembly Policy.

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.

The Family Educational Rights and Privacy Act (FERPA) of 1974 provides safeguards regarding the confidentiality of and access to student records. 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. Brunswick Community College may release directory information to appropriate agencies and organizations. Brunswick Community College may disseminate information concerning student achievement, honors awarded or other exemplary actions or conduct. No other records shall be made available to unauthorized personnel or groups inside or outside the College without written consent of the student involved, except under legal compulsion.

PROCEDURE

I. Student Code of Conduct

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

The following regulations set forth rules of conduct that prohibit certain types of behavior. Violation of one or more of these regulations may result in disciplinary sanctions. Students are not permitted to engage in any of the following activities while participating in any college course while on campus, while participating in college sponsored events, or while in a college-owned vehicle.

- A. Academic dishonesty, which includes cheating, fabrication, falsification, multiple submission, plagiarism, abuse of academic material, and complicity in academic dishonesty.
- 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.
- C. Trespass which includes unauthorized entry or presence on the property of the college or in a college facility or any portion thereof to which entry or presence has been restricted.
- D. Violation of the Drug and Alcohol Policy.
- E. Lewd or indecent conduct on college premises or at college sponsored or college supervised functions.
- F. Mental or physical abuse of any person on college premises or at college supervised functions, including verbal or physical actions which threaten or endanger an individual's health or safety.
- G. Violation of the Sexual Harassment Policy.
- H. Intentional obstruction or material and substantial disruption of teaching, administration or disciplinary proceedings, or other activities, including public service functions and other duly authorized activities on college premises.
- I. 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.
- J. Participating in or conducting an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which is harmful, obstructive to the functions of Brunswick Community College; remaining at the scene of such an assembly after being asked to leave by a representative of the College staff.
- K. Possession or use of a weapon on college premises or at college sponsored or college supervised functions, except in connection with a college approved activity or stored and locked according to NC General Statute 14-269.2 (K).
- L. Setting off a fire alarm, using or tampering with any fire safety equipment on college

premises or at college sponsored or college supervised functions, except with reasonable belief in the need for such alarm or equipment.

- M. Gambling on college premises or at college sponsored or college supervised functions.
- N. Smoking and/or using other forms of tobacco products in classrooms, shops, and labs or other unauthorized areas on college premises.
- O. Violations of college regulations regarding the operation and parking of motor vehicles.
- P. Forgery, alteration, or misuse of college documents, records or instruments of identification with intent to deceive.
- Q. Failure to comply with instructions of college officials acting in performance of their duties.
- R. Violation of the terms of disciplinary probation or any college regulation during the period of probation.
- S. 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.
- T. Violations of local, state or federal criminal law on college premises, adversely affecting the College community's pursuit of its proper educational purposes.
- U. Unauthorized use of cell phones and other electronic devices during activities where use is directly prohibited (i.e. instructional time).

II. Disciplinary Procedures

Nothing in these policies shall limit an instructor's or administrative officer's discretion to warn a student against violating the Student Code of Conduct or from removing a student from a single class or activity for the duration of that specific class or activity. No disciplinary sanctions other than such a warning or temporary removal may be imposed upon any student except in accordance with this policy.

A. Emergency Suspension Activities

If it is determined by the Vice President of Student Affairs or his/her designee that a student's conduct poses a continuing threat to the health or well-being of any member of the academic community or the activities of the college, he/she may suspend the student from a course of the College until the investigation of the student's conduct can be completed. Prior to suspension, the student shall be given the opportunity to explain his/her conduct to the Vice President of Student Affairs or designated administrator. The instructor or administrative officer reporting the incident of student misconduct shall file a charge under (See C.1) with the Vice President of Student Affairs or designated administrator within one business day following the incident. The Vice President of Student Affairs or designated administrator shall resolve the matter in a timely fashion utilizing the steps outlined below.

B. Responsibility for Implementation

The Vice President of Student Affairs or designated administrator is responsible for implementing student discipline procedures.

C. Disciplinary Procedures

The following procedures shall be followed to provide an orderly procedure for handling student disciplinary cases:

1. Charges

Any administrative official, faculty member, or student may file charges with the Vice President of Student Affairs or designated administrator against any student or student organization for violations of College regulations. The individual(s) making the charge must submit a written statement which includes:

- a. name of the student(s) involved,
- b. the specific code(s) of conduct violated,
- c. a description of the incident(s), including the time, place, and date of the incident(s),
- d. names of person(s) directly involved or witnesses to the incident(s), and
- e. any action taken that related to the matter. The statement of the charge should be forwarded directly to the Vice President of Student Affairs or designated administrator.

2. Preliminary Investigation and Decision

Within ten (10) business days after the charge is filed, the Vice President of Student Affairs or designated administrator shall complete a preliminary investigation of the charge, which shall include meeting with the student being charged with a Code of Conduct violation and meeting with students involved to determine whether disciplinary sanctions should be initiated. In extraordinary discipline and safety issues, the Vice President of Student Affairs or designated administrator may elect to assemble an assessment team to assist in evaluating and assessing a student's behavior.

The Vice President of Student Affairs or designated administrator shall also meet with the student, present the student with the evidence against him/her, giving the student the opportunity to respond. In instances where the student cannot be reached to schedule an appointment with the Vice President of Student Affairs or designated administrator or where the student refuses to cooperate, the Vice President of Student Affairs or designated administrator shall send written correspondence letter to the student's Colleague or Police provided address (via email and 1-2 day mail service that requests read/receipt signature), which shall inform the student of the charges, results of the preliminary investigation, the decision, and the appeals procedure (Section IV). The student may have access to the College's Learning Management System (LMS) to complete course work during the preliminary investigation and decision time frame. If a student elects to appeal the suspension, he/she may have access to course work through the College's LMS until the appeals process is complete and a final decision is rendered.

3. Decisions

If the Vice President of Student Affairs or assigned administrator determines that the

student violated the Student Code, the decision shall include:

- a. a statement of the specific provision(s) of the Student Code that the student violated;
- b. a written copy of the evidence against them;
- c. a statement of sanctions imposed;
- d. a statement of the student's right to appeal the decision; and
- e. instructions governing the appeals procedure (Section VI).

If the Vice President of Student Affairs or designated administrator determines that the student did not violate a provision of the Student Code, then the decision shall state that the charge has been dismissed.

III. Sanctions

- A. **Reprimand**: A written communication which gives official notice to the student that he/she has violated the Student Code and any subsequent violation of the Student Code may 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 his/her capability and willingness to observe the Student Code without further penalty; secondly, if he/she errs again, additional sanctions will be imposed for this violation. The probation will be in effect for no more than two (2) semesters.
- C. **Restrictive Probation**: Restrictive Probation results in loss of good standing and notation of such is made in the college community. Generally, the individual will not be eligible for initiation into any local or any national organization and may not participate in 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. **Emergency Suspension**: Exclusion from class(es), and/or all 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 Diploma or Right to Register**: Imposed when financial obligations are not met.

- H. **Suspension**: Exclusion from class(es) and/or all other privileges or activities of the college for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation and for repeated misconduct. Students who receive this sanction must get specific written permission from the Vice President of Student Affairs or designated administrator before returning to campus.
- I. **Expulsion**: Dismissing a student from campus for an indefinite period. The student loses his/her student status. The student must receive written permission from the President of the College or his/her designee before they can attend any events on-campus or be readmitted to the college.
- J. **Group Probation**: This is given to a college club or other organization/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 Restriction**: Removing college recognition during the semester in which the offense occurred or for a longer period (usually not more than one 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 Revocation**: Removal of college recognition for a group, club, society, or other organization for a minimum of two years. Re-charter after that time must be approved by the President of the College.

IV. Appeal Procedure

A student who disagrees with the decision of the Vice President of Student Affairs or designated administrator may request a hearing before a Disciplinary Review Committee. The student must deliver a written request for a hearing, via email to the Vice President of Student Affairs or designated administrator within three (5) business days of receipt of the Vice President of Student Affairs or designated administrator's decision. As a general rule, the sanctions resulting from a disciplinary decision will be considered to be in place and enforced until such time as determined otherwise by the appeals committee. A student who enters into an appeal of a Code of Conduct ruling shall not be allowed to also submit a grievance related to the same incident(s) under the Student Grievance Policy. The appeal of the Code of Conduct ruling provides the student with a venue for seeking college action related to the incident(s).

A. Appointment of Disciplinary Review Committee

Within five (5) business days after receiving the request for a hearing, the President shall appoint a Disciplinary Review Committee, select a chair, and notify the Vice President of Student Affairs or designated administrator of committee members.

The Disciplinary Review Committee shall consist of one faculty member, one staff member, and one-student. All members of the Disciplinary Review Committee must not be directly responsible for the department from which

the cause of the grievance originated. Should a committee member not be able to fulfill their commitment, the President of the College will appoint a replacement.

B. Guaranteed Student Procedural Rights

- The right to counsel. The role of the person acting as counsel is solely to advise the student. The counsel shall not address the Committee. If the student opts to bring counsel, the student must inform the Vice President of Student Affairs or designated administrator of this intention when the request for the hearing is filed. If the student brings counsel to the hearing without informing the Vice President of Student Affairs or designated administrator, the committee chairperson will give the student the option of proceeding without counsel or postponing the hearing for 5 working days.
- The right to request in writing, that the President disqualify any member of the Committee for cause. A request for disqualification, if made, must be submitted at least three (3) working days prior to the hearing. If such disqualification occurs, the Present shall appoint a replacement.
- The right to present relevant evidence and up to three witnesses in his/her defense.
- The right to a hearing before an impartial Disciplinary Review Committee.
- The right to hear and/or see the evidence against him/her and the right to cross-examine witnesses against him/her through prior submission of questions.

C. Preliminary Hearing before a Disciplinary Review Committee

1. Within ten (10) business days of the appointment of the Disciplinary Review Committee, the Disciplinary Review Committee shall conduct a preliminary hearing to which the Vice President of Student Affairs or designated administrator and the student shall be invited. During the preliminary hearing:
 - a. The Vice President of Student Affairs or designated administrator shall provide a written statement of charges against the student which shall include the information listed in Section II.C.1.
 - b. The Committee shall set a date and time for the hearing no later than ten (10) business days from the date of the preliminary hearing.
 - c. The Vice President of Student Affairs or designated administrator and the student shall exchange any documents they want to present at the Disciplinary Review Hearing. Each party shall also exchange any questions planned for witnesses.
 - d. The student shall provide the Vice President of Student Affairs or designated administrator and the Committee with his/her current address and telephone number and determine the primary means of communication between parties.

- e. Members of the Committee shall inform the parties of any facts which could reasonably affect their ability to give the parties a fair hearing. If either party objects to the continued service of such member and any member of the committee concurs in that objection, then such member shall resign from the Committee. Within five (5) business days, the President shall appoint a new member of the Committee. The new Committee member shall be subject to the same qualifications and obligations as the original Committee members.

D. Hearings before the Disciplinary Review Committee

1. The hearing shall be confidential and shall be closed to all persons except the following:
 - a. Vice President of Student Affairs or designated administrator
 - b. witnesses who shall
 - give testimony singularly and in the absence of other witnesses. If the complainant or witness may be harmed emotionally by testifying in the presence of the respondent to the hearing, other arrangements will be made to allow participation without depriving the respondent access to the testimony, evidence or information.
 - leave the committee meeting room immediately upon the completion of their testimony
2. The hearing will be recorded. Recordings will become the property of the College, and access to them will be determined by the Vice President of Student Affairs or designated administrator. All recordings will be stored in digital format by the office of the Vice President of Student Affairs or designated administrator. The Committee shall have the authority to adopt supplementary rules of procedure consistent with this policy.
3. The Committee shall have the authority to render written advisory opinions concerning the meaning and application of this policy.
4. Within three (3) business days of completion of a hearing, the Committee shall meet in executive session to decide whether there has been a violation of the Student Code; and, if so, to recommend sanctions.
5. Decisions of the Committee shall be based upon a preponderance of the evidence as determined by a majority of the Committee.
6. Decisions of the Committee shall be in writing and contain at least a statement of the specific provisions of the Student Code that the student violated and a description of the facts supporting that conclusion; and sanction which shall be no greater than the sanction imposed by Vice President of Student Affairs or designated administrator; or charges were not proven by a preponderance of the evidence.

7. Within two (2) business days of the Committee's decision, the Committee Chairperson shall deliver a copy of the decision to the Vice President of Student Affairs or designated administrator and send a copy of the decision by email and 1-2 day mail service that requests read/receipt signature to the student's Colleague or Police recorded address.

E. Appeal to the President

If a student desires to appeal a decision of a Disciplinary Review Committee, he/she must deliver a written request for such appeal to the President within three (3) business days of receipt of the Committee's decision by email or by written request delivered to the college. The President shall have the authority to affirm, remand, modify or reverse the decision of the findings of the Committee. Within (10) working days of receiving the appeal, the President shall send the decision to the student by email and 1-2 day mail service that requests read/signature receipt. The decision of the President is final.

F. Effect of Failure to Comply with Time Requirements or Voluntary Withdrawal

1. If a student fails to comply with any of the time requirements set forth herein with respect to completing and delivering the documents required to pursue his/her appeal, to appear or to be represented at any hearing, or otherwise to meet his/her other obligations under these procedures, then the last decision rendered on behalf of the college will stand as final, and all proceedings will be terminated. The college shall make every reasonable effort to comply with the timeliness requirements specified in the Student Code. The President shall investigate failures to comply with the timeliness requirements specified in the Student Code and take appropriate action. The College's failure to meet any deadline shall not exempt the student from any sanctions under the Student Code.
2. A student's decision to withdraw from school during a disciplinary proceeding shall not affect the College's right to continue the disciplinary process or impose sanctions.

Approved by Brunswick Community College Board of Trustees

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Procedure Revised by Brunswick Community College Board of Trustees

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