

## CP – 3.3.2

# STUDENT DISCIPLINE

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*Related Board of Trustees Policy: BP 3.3*

*OPR: Vice President for Students*

*Approved: September 29, 2020*

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### **STUDENT DISCIPLINE**

The College publishes a *Student Code of Conduct* (Code) to educate individuals about their rights and responsibilities as members of the student body. When a student’s conduct departs from the expectations delineated by the Code (with the exception of Academic Honesty, which is addressed by College Procedure 3.3.1) and adversely affects the College’s teaching and learning environment, this Procedure sets forth appropriate student sanctions and disciplinary actions that may be used to resolve the behavior and guide students to learn from their mistakes.

When practical, minor infractions of the Code should be handled informally. An instructor or staff member, upon observing unsatisfactory behavior, should provide verbal or written guidance to the student in a manner that facilitates learning and promotes improved student conduct. Formal disciplinary steps may be reserved for addressing repeated or more serious Code violations.

College disciplinary proceedings may be instituted against a student charged with violation of a law if the violation occurred at the College or College-sanctioned activities – or was of such nature as to impact the College. Additional proceedings under this procedure may be carried out prior to, simultaneously with, or following, civil or criminal proceedings that take place off-campus.

If an incident is judged to be of such a nature that a student poses a potential threat to the safety of the College, the Craven County Sheriff’s office, in consultation with the College’s Vice President for Students or President, may issue a College “no-trespass order.” This order bars the student from campus grounds and activities. The duration of the order may be indefinite, for a specific length of time, or until specified conditions are met. For purposes of this procedure, a “no-trespass order” has the effect of bypassing steps one through seven listed below and immediately implementing the step eight sanction of a *disciplinary suspension* from the College, for the duration of the order.

Nothing in the Procedure shall be construed in derogation of the College’s Title IX policies and guidance which shall take precedence over any and all other College Policies or Procedures in the case of sex-based discrimination, sexual harassment, sexual violence, dating or domestic violence, stalking, or abuse in which any College student is the alleged victim. All such incidents should be reported to the College’s Title IX Coordinator, the Deputy Title IX Coordinator, or the Clery Compliance Officer. Any questions or issues regarding applicability of Title IX shall be resolved by the College’s Title IX Coordinator.

### **Disciplinary Procedural Steps**

1. **Filing of Written Complaint.** Disciplinary action may be initiated by a complaint in writing filed by any member of the College community, including members of the faculty and the student body.

2. **Administrator Receipt of Complaint.** The complaint shall be filed with the Dean of Student Services or designee.

3. **Preliminary Investigation.** The Dean of Student Services or designee shall initiate an investigation, gathering signed statements and interviewing appropriate persons.

- The Vice President for Students, or designee, shall approve any interim changes in a student's academic status necessary to facilitate the investigation or to protect the involved parties.
- The Dean of Student Services may require students to appear for an interview or to give a written statement.
- Failure to cooperate or impeding the investigation (not complying with the official and proper order of a duly designated College authority or agency) may subject a student to disciplinary action. Disciplinary holds may be placed on class attendance, re-enrollment, or upon the academic record of any student who fails to cooperate with Dean of Student Services' investigation.

4. **Initial Determination.** After completing the preliminary investigation, the Dean of Student Services or designee may:

- Dismiss the complaint as having been unsubstantiated, or
- Determine that the complaint is supported by reliable evidence

5. **Formal Notification to Student of Complaint.** The Dean of Student Services or designee shall provide written notification to the student, advising the student of the complaint and the student's rights under this Disciplinary Procedure.

To ensure that a student's rights to due process are preserved, the following essential legal elements will be made available to the student:

- Written notice of the allegation(s), with a summary of the information obtained by the preliminary investigation
- Proposed sanction(s), should the student accept the findings of the preliminary investigation and initial determination by the Dean of Student Services. The student has three working days to exercise this option, and must agree to waive formal disciplinary proceedings (steps 6-7) and the right to appeal (step 9). (Note: This option does not apply to cases that may result in the sanction of disciplinary suspension or dismissal.)
- Applicable references to the College's Policies and Procedures, including the Student Code of Conduct.
- The opportunity to correspond or personally appear before a Disciplinary Committee to present evidence on his or her behalf
- The right to a prompt written decision regarding the allegation(s)
- Information regarding the available appeal procedures

Upon notification, the student may elect, after meeting with the Dean of Student Services, to accept the findings of the preliminary investigation and initial determination. In this event, the Dean will render a decision regarding any appropriate sanction(s).

- The student must waive, in writing, the right to a hearing with a disciplinary committee (steps 6-7) as well as the right to appeal the imposed sanction(s) (step 9)
- The Dean may impose a sanction(s) that is no greater than the sanction(s) proposed in the formal notification step (step 5). Imposed sanctions under these conditions may not include disciplinary suspension or dismissal

6. **Disciplinary Committee.** The Dean of Student Services, within three working days of the notification to the student, will appoint a disciplinary committee. The committee will consist of three members from among the faculty and staff, who are selected by the Dean. The Dean will serve as a non-voting ex-officio member of the committee and as the hearing examiner. The committee shall complete its investigation and make a final determination within five working days of appointment.

- The disciplinary committee will conduct a careful and thorough review of all the facts concerning the alleged offense.
- The student shall have the right to submit written evidence and/or appear in person to present evidence.
- A two-thirds vote of the committee shall be required to assess a guilty determination for all or part of the allegation(s); otherwise, the student will be absolved and the case closed.
- Upon reaching a guilty determination, the committee shall recommend, also by two-thirds vote, any sanction(s) to be given to the student.

7. **Committee Report.** The committee shall prepare a final written report of its investigation, which will include a description of the allegation, a summary of evidence considered, a summary of witness statements, the committee's disposition of the case, and as applicable, any recommended sanction(s). The Dean of Student Services will review the report. The Dean may:

- Concur with the committee findings, and approve the recommended sanction(s).
- Concur with the committee findings, and modify the recommended sanction(s). The Dean, based on his/her leadership judgment of the case circumstances, may reduce or remove some or all the sanctions recommended by the committee. The Dean may not impose a sanction that is more severe than those proposed by the committee.
- Non-concur with part or all of the committee findings or recommended sanction(s). The Dean will return the case to the committee for further consideration. Should the Dean non-concur with the second committee report, the case will be referred to the Vice President for Students for final disposition.

8. **Sanctions.** Upon concurring with the committee report, the Dean of Student Services will communicate, in writing, to the student the case disposition and impose the approved sanction. College sanctions are listed below in ascending order of severity. Multiple sanctions may be imposed.

- *Oral Warning.* For the least severe cases, a meeting between the Dean of Student Services and the student takes place. The meeting should be an opportunity for the student to learn from his/her mistake and to plan proactive steps that will prevent recurrence.
- *Written Warning.* The Dean of Student Services presents a warning letter to the student. The letter will outline the nature of the case, its severity, and warn of the consequence of subsequent Student Code of Conduct transgressions.

- *Directed Sanctions.* The Dean of Student Services presents a sanction letter to the student. The letter will outline the nature of the case, its severity, and warn of the consequence of subsequent Student Code of Conduct transgressions. The letter will identify specific student privilege and activity restrictions and the duration of these restrictions. The Dean shall select sanctions in a manner that they re-enforce desired student behaviors and deter future misconduct.
  - *Educational Project in Lieu of Sanction.* The Dean of Student Services and the student may agree upon an educational project to be completed by the student in the place of the proposed sanction(s). The project must be of educational value, must offer a positive learning experience, and must be scoped appropriately as to not negatively impact the student's educational progress. The project should offer the student the opportunity to learn from past errors and to channel energies to more appropriate endeavors. The Dean and student must agree on the project terms, completion timeline, and any success rubrics. Should the student fail to complete the project as agreed, the Dean shall impose the original sanctions. Successful completion of the project closes the disciplinary case.
- *Disciplinary Probation.* The student is excluded from all extracurricular activities and clubs for a period not to exceed one year. The student is also not eligible to hold or run for office in any College student organization.
  - *Educational Project in Lieu of Probation.* The Dean of Student Services and the student may agree upon an educational project to be completed by the student in the place of the proposed probation. The project must be of educational value, must offer a positive learning experience, and must be scoped appropriately as to not negatively impact the student's educational progress. The project should offer the student the opportunity to learn from past errors and to channel energies to more appropriate endeavors. The Dean and student must agree on the project terms, completion timeline, and any success rubrics. Should the student fail to complete the project as agreed, the Dean shall impose the original probation period. Successful completion of the project closes the disciplinary case.
- *Disciplinary Suspension.* The student is prohibited from enrolling or participating in all College academic and student programs for up to one year. The suspension may include a "no-trespass order," imposed for the duration of the suspension, as circumstances warrant.
- *Dismissal.* The student is terminated from all status at the College indefinitely. The dismissal may include a "no-trespass order," as circumstances warrant. The dismissal may include a timeframe and conditions by which the student may apply for readmission in the future.

In addition to sanctions, the Dean of Student Services may require the student make financial restitution for the damage or loss of College property that was directly caused by the student's violation of the Student Code of Conduct. Terms and conditions of the restitution will be communicated to the student in writing, and the amount shall be limited to the actual monetary cost of the damage or loss to the College. The written notification will include that the student's failure to make restitution in a timely manner will result in consequences including, but not limited to, an academic hold on student registration and transcripts or imposition of any of the foregoing sanctions.

9. **Student Appeals.** Upon notification of the committee findings and the proposed sanction(s), the student may appeal the decision to the Vice President for Students. The appeal must be made in writing, using Form 3.3.2a., "Student Appeal – Discipline," to the Vice President for Students within five working days of the date of the Dean of Student Services' notification. Any proposed sanction(s) will not take effect pending the Vice President's decision.

The Vice President for Students will review the written case record, the conclusions reached, the proposed sanction(s), and may choose to interview any persons deemed relevant to the review. Upon completing the review, the Vice President for Students will notify the student of the appeal decision:

- Affirming the committee conclusions and the Dean of Student Services' decision. The Vice President for Student's decision is final, and any sanction(s) are immediately imposed.
- Reducing any or all of the proposed sanctions. The Vice President for Students' decision is final, and the reduced sanction(s) are immediately imposed.
- Returning the case to the committee and the Dean of Student Services for further consideration.
- Over-ruling the committee's findings and/or the decision of the Dean of Student Services. The Vice President for Students' decision is final and the case is dismissed.

Student appeals involving a "no-trespass order" are appealed to the President of the College, rather than the Vice President for Students. The order remains in effect pending the President's decision.

**Notice to Parents or Guardians of Minor Students.** Notifications to the parents or guardians of minor students will be made consistent with the Family Education Rights and Privacy Act (FERPA). The College will notify the applicable high school principal of students enrolled in Early College or Career & College Promise programs when an imposed sanction will limit or prevent the student from completing the high school course of instruction.

**Records of Case Proceedings.** Records of disciplinary proceedings, to include disposition of the case, are maintained by the Dean of Student Services. As required, a separate case record may be maintained by the College's Title IX Coordinator, the Deputy Title IX Coordinator, or the Clery Compliance Officer.

#### **Associated Form**

- 3.3.2a. *Student Appeal - Discipline*

## STUDENT APPEAL – Discipline

Students should refer to College Procedure 3.3.2, "Student Discipline," which describes the steps taken to address allegations of misconduct—how reports are made and investigations conducted; how decisions are rendered; sanctions that may be imposed; and student due-process rights, including appeal.

### STUDENT INFORMATION

Student Name:

Student ID:

Date of Appeal:

### TYPE OF APPEAL

*(Appeal must be made within five (5) working days of the prior decision or appeal.)*

Appeal of Decision

Appeal of Imposed Sanction

Appeal of Both Decision and Sanction

### STUDENT NARRATIVE

*Describe why the decision regarding student discipline should be modified or overturned and/or the sanction that was imposed should be removed or modified. Attach additional pages as needed.*

Student Signature:

Date:

## RECEIPT OF APPEAL

(Appeals of decisions including a "no-trespass order" are appealed to the College President; all others appeals are to the Vice President for Students.)

Received By (Name): \_\_\_\_\_

Date Received: \_\_\_\_\_

Position Title: \_\_\_\_\_

## APPEAL REVIEW CONDUCTED

(Check all that apply; provide detailed information in narrative section and attach pages as needed.)

- Review of student case file (including any prior appeals)
- Review of new written information from appealing student (attach pages)
- In-person interview with appealing student Date: \_\_\_\_\_
- In-person interview(s) with additional individuals  Student(s)  Faculty  Staff  Other
- Review of new written information received from  Student(s)  Faculty  Staff  Other

## APPEAL REVIEW NARRATIVE

(Provide amplifying information of appeal review. Attach additional pages as needed.)

## APPEAL DECISION

- STUDENT DISCIPLINE DECISION IS AFFIRMED AND FINAL.
- Review of case history and submitted evidence, including new evidence submitted, supports finding that previous decision was correct and appropriate.
- Student appeal was limited to restatement of previous information; no new information was provided.
- STUDENT DISCIPLINE DECISION AND/OR SANCTIONS ARE MODIFIED. This decision is final.
- Review of case history and submitted evidence, including new evidence submitted, supports finding that previous decision was partially flawed or disproportionate, as follows:
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- STUDENT DISCIPLINE DECISION IS RETURNED TO DEAN OF STUDENTS FOR FURTHER CONSIDERATION. (Student may appeal the subsequent decision.)
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- STUDENT DISCIPLINE DECISION IS OVERTURNED. CASE IS DISMISSED.
- Review of case history and submitted evidence, including new evidence submitted, indicates the previous decision was flawed or inappropriate.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_