

## 4.15.1.1 Discipline and Appeal Procedures for Academic Violations

Policy Tracking	Date
Approved	February 6, 2019
Revised	
Reviewed	

(For issues related to discrimination, harassment and sexual-based violence, see [Procedure 4.15.2](#))

The following disciplinary and appeal procedures shall apply to all academic disciplinary matters.

### I. Discipline for Violations of Academic Honesty

- A. In situations involving violations of academic honesty, the student's instructor will take disciplinary actions that may include but are not limited to the following:
  1. A written warning describing the offense and detailing further consequences should the infraction be repeated.
  2. The instructor may assign a failing grade ("F" or zero") for the course, any portion of the course, or a single assignment. If the course serves as a prerequisite for sequential courses within the curriculum, the student will not be able to progress in the program of study until completing the course with a passing grade.
  3. Referral to the Vice President for Instruction for further disciplinary action.
- B. The President or the President's designee may suspend or expel a student if there are repeated violations of the Academic Honesty Policy. If a student violates this policy twice, the Vice President for Instruction may request that the President expel the student.
- C. A student charged with a violation of the Academic Honesty [Policy, 4.15.3](#), has the right to appeal that decision using the process outlined below.

### II. Academic Disciplinary Appeal Process

If a student is not satisfied with the Vice President's or President's recommendation for Disciplinary Action, within five business days' receipt of the recommendation, the student may request, in writing to the President, a Judicial Board hearing. Upon receipt of the student's request, the President shall convene a Judicial Board to hear the matter. The Judicial Board shall consist of three members: a Vice President (but not the Vice President for Instruction) who shall serve as the Chair; one faculty member appointed by the President who is not an interested party in the issue to be heard; and the President of the Student Government Association (SGA) or his/her designee who is also a member of the SGA.

- A. The hearing shall be scheduled within ten business days of receipt of the student's written request for a hearing or later if mutually agreed upon by the parties.
- B. Within five business days from the hearing, the student must inform the President whether s/he will have legal counsel present. If the student does not provide timely notice, the Chair may continue the hearing until the College's attorney can be present. The student is allowed to have legal counsel present but only in an advisory capacity. Legal counsel will not be allowed to address the Judicial Board. The College's attorney will serve as procedural officer.
- C. The Judicial Board hearing procedure shall be as follows:
  1. The Chair shall introduce all present.
  2. The student shall have the opportunity to present evidence and witnesses in support of his or her case. The Judicial Board shall have the opportunity to question the student and, if applicable, his or her witnesses.
  3. The College administrator and/or other College representatives will present their evidence and witnesses in support of their case. The Judicial Board shall have the opportunity to question the administrator and/or other College representatives and, if applicable, their witnesses.
  4. Both sides will have the opportunity to make a closing statement.
  5. The Judicial Board shall deliberate in closed session. The College attorney may sit with the Judicial Board and provide legal advice should such advice be necessary. The North Carolina Rules of Evidence do not apply and all relevant evidence shall be included in the official record; however, in reaching its decision, the Judicial Board shall weigh and consider the credibility of the presented evidence.

6. The Judicial Board hearing shall be audio recorded and that recording shall serve as the official hearing minutes.
  7. Within five business days of the hearing, the Chair shall, in writing, summarize the Judicial Board decision and send a copy to the parties and to the President.
- D. If any of the parties are not satisfied with the Judicial Board's decision, they may, within ten business days of the date of the decision, appeal, in writing, to the President. The Vice President for Instruction shall accept the appeal on behalf of the President. The President shall review the official record and the hearing minutes. If, after his or her initial review, the President needs additional information, he or she may ask the parties to supplement the official record by responding to his or her additional questions. Within ten business days of receipt of the party's appeal, or an additional five business days after the official record has been supplemented, the President shall issue his or her final decision to affirm, reject, or modify the Judicial Board's decision. A written copy of the President's decision shall be sent to both parties. The President's decision shall be final, subject only to the student's right of appeal to the Board of Trustees. Any appeal of the President's decision must be submitted, in writing, to the Board of Trustees, within ten business days of the date of that decision.
- E. For an appeal to the Board of Trustees, a panel of the Board, as designated by the Chair, shall conduct an "on the record review" of the evidence presented at the Judicial Hearing. Within ten (10) business after receipt of the student's appeal, unless the parties agree to a continuance, the Board panel shall meet and the President shall be granted an opportunity to address the Board panel in closed session. The student will also be given the same opportunity to address the Board panel. No new evidence shall be presented to the Board panel. The Board Attorney shall serve as the procedural officer. The Board panel will make a determination and inform the student in writing within five (5) business days.