

## 4.15.1.2 Discipline and Appeal Procedures for Non-Academic Violations

Policy Tracking	Date
Approved	February 6, 2019
Revised	
Reviewed	

### Overview

The Vice President for Student Services is responsible for implementing these procedures.

These procedures apply to non-academic violations listed in [4.15.1 – Code of Student Conduct](#).

### Progressive Discipline Model

- I. **Verbal/Written Warnings** - If the student's misconduct occurs in the classroom setting, where appropriate, instructors should provide verbal and/or written warnings to students regarding their misconduct and assess appropriate disciplinary action within the classroom setting.
- II. **Suspension and Expulsion** - If warranted by the facts and situation, even for first time offenses, a student may be suspended, expelled or forfeit certain opportunities on campus.
- III. **Behavioral Assessment Form** - If warranted, instructors may complete a Behavioral Assessment Form outlining the nature of the student's misconduct and share the form with the Vice President for Student Services. Upon receiving the Behavioral Assessment Form, the Vice President may request a meeting with the student, reviewing the misconduct reported. As a result of the meeting, the student may be placed on probation, suspension, or expelled from campus.
- IV. **Removal from Class/Campus** - If an act of student 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 may require that the student immediately leave the classroom setting and the instructor will thereafter immediately notify the Vice President for Student Services who will direct the student involved to cease and desist such conduct and advise them that failing to cease and desist will result in immediate dismissal from the class or campus.  
If the student fails to cease and desist, or if the behavior is such that the student needs to immediately be removed from campus or temporarily removed from a specific instructor's class, the Vice President for Student Services may then immediately have the student temporarily removed from campus and/or from the specific instructor's class. The Vice President for Student Services will also determine whether the student should be referred to the Behavioral Assessment Team.
- V. **Notification** - Upon concluding an investigation into the matter, the Vice President for Student Services shall present the student with a written notice of charges that provide a description of the alleged violations and short factual summary. The notice shall also include recommended disciplinary action. If the student accepts the recommended disciplinary action, the matter will be closed. If the student is not satisfied with the Vice President's recommendation, with five business days' receipt of the recommendation, the student may request, in writing to the President, a Judicial Board hearing (see Disciplinary Appeal Procedure below).  
The Vice President shall notify the President 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.

### Non-Academic Disciplinary Appeal Procedure

- I. If a student is not satisfied with the Vice 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 Student Services) 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.
- II. 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.
- III. 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.

IV. The Judicial Board hearing procedure shall be as follows:

- A. The Chair shall introduce all present.
  - B. 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.
  - C. 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.
  - D. Both sides will have the opportunity to make a closing statement.
  - E. 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.
  - F. The Judicial Board hearing shall be audio recorded and that recording shall serve as the official hearing minutes.
  - G. 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.
- V. 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 Student Services 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.
- VI. 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.