

Student Rights/Responsibilities

Part I—Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of this academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Alamance Community College honors the right of free discussion and expression, peaceful picketing and demonstrations and the right to petition and to peaceably assemble. That these rights are a part of the fabric of this institution is not questioned. They must remain secure. It is equally clear, however, that in a community of learning, willful disruption of the educational process, destruction of property and interference with the rights of other members of the community cannot be tolerated; furthermore, the College reserves the right to regulate time, place and manner of these activities.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn is shared by all members of this academic community. This institution has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures as outlined below have been established within the framework of general standards and with the broadest possible participation of the members of this academic community. The purpose of these procedures is to assure individual freedom and protection of the individual in his/her pursuit of knowledge.

Part II—General Policies

- A. The College is dedicated not only to learning and the advancement of knowledge but to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound education program and policies governing student conduct that encourage independence and maturity.
- B. This disciplinary power of the College is inherent in its responsibility to protect its educational purpose through the setting of standards of conduct and scholarship for students who attend. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, admonition and example. In the exceptional circumstances where these preferred means fail to resolve problems of student conduct, proper procedural safeguards will be observed to protect the student from the unfair imposition of serious penalties.
- C. Procedural fairness is basic to the proper enforcement of all College rules. In particular, no disciplinary sanction except reprimand or warning and no entry of an adverse notation on any permanent record shall be imposed unless the student has been informed in writing of the charges against him/her and has had (1) an opportunity to appear before a judicial body or official, (2) an opportunity to know the nature and source of the evidence against him/her and to present evidence on his/her behalf and (3) an opportunity to file a petition of an appeal of the action.
- D. Students shall have an opportunity to participate in the formulation of policies or rules relating to student conduct and in the enforcement of all such rules through the Student Government Association and through membership on College committees and boards.
- E. When a student has been apprehended for the violation of a law of the community, state or nation, the College will not request or agree to special consideration for the student because of

his/her status as a student. The College will cooperate, however, with the law enforcement agencies and other agencies in any reasonable program for the rehabilitation of the student.

- F. The College may apply sanctions or take other appropriate action when student conduct directly and significantly interferes with the College's (1) primary educational responsibility of ensuring the opportunity of all members of the College community to attain their educational objectives or (2) responsibility of protecting property, keeping necessary records, providing necessary services and sponsoring non-classroom activities such as lectures, concerts, athletic events and social functions. Career and College Promise (CCP) students whose classes meet on the ACC campus are subject to the ACC Student Code of Conduct, and complaints will be adjudicated by ACC. Records are subject to FERPA. CCP students whose classes meet at their high school are subject to their high school's student code of conduct and complaints will be adjudicated by the high school.
- G. The code of conduct provides for standards of conduct of individual students. Policies and regulations which relate to recognized student organizations and their responsibilities as organized groups are established standards. Penalties or applied sanctions to groups are normally levied by the student development committee after a hearing. Liability under this code is limited to the failures of code violations of individual members of such groups.
- H. Students are reminded that they are personally responsible for their visitors while on campus. In addition, the visitor is subject to the regulations of the College.

Part III—Student Code of Conduct

(These standards apply on campus or at College-sponsored or supervised activities off campus.)

A. General Conduct Responsibilities

Dismissal or suspension from the College or any lesser sanction may result from the commission of any of the following offenses. These offenses will be handled through the student grievance procedure. Any offense may lead to suspension or dismissal on the first violation.

1. Academic Dishonesty and Plagiarism

Students are expected not to give or receive help during tests, projects, or homework assignments unless authorized by the instructor. Plagiarism is prohibited. Plagiarism is defined as intentionally or unintentionally stealing words or ideas from another person, website, article, book, or any other source (published or unpublished), and passing them off as one's own in a paper, speech, oral report, exam, quiz, project, or other assignment. All borrowed phrases, sentences, and ideas must be attributed to any sources(s) consulted. The instructor directly concerned can address academic dishonesty and plagiarism in his/her course and/or file charges under the Code.

All plagiarism cases should be reported to the Dean of Student Development with a recommendation of "charges" or "no charges." Sanctions which can be imposed by instructors at their discretion, based on the type of assignment and the content of the instructor's syllabus, may include having the student repeat the assignment, assigning a lower grade on the assignment, assigning a "zero" on the assignment, assigning an "F" in the course. Other sanctions as described in Part IV may be assigned as outcomes of the student conduct/grievance process.

2. Representing the College or a student organization without the group's permission or representing improperly, and not by error, the identity of any other individual member of the campus community.
3. Violation of the terms of any disciplinary probation or of any College regulation during a period of probation.
4. Lewd or indecent conduct–
This includes public, physical or verbal actions; distribution of obscene or libelous written materials; use of profanity; lack of complete dress for the occasion; or engaging in harassment or sexual harassment.
5. A student shall not knowingly possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind on the College grounds or during any College-sponsored activity. Use of a drug authorized by a medical prescription from a registered physician shall not be considered a violation. Any influence which may be attributed to the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of his/her actions.
6. Gambling.
7. Theft from, 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. This includes unauthorized entry upon the property of the College or into a College facility or a portion thereof which has been restricted in use and thereby placed off limits; unauthorized presence in a College facility after closing hours; or unauthorized possession or use of a key to a College facility.
8. Mental or physical abuse or threat of bodily harm by a student to any person on College premises or at a College-supervised function. Such unacceptable conduct includes verbal or physical actions which threaten or endanger the health or safety of any person or communicate the intention of self-harm or harm to person or property.
9. Forgery, alteration or misuse of College documents, records or instruments of identification with intent to deceive.
10. Intentional obstruction or disruption of teaching, research, administration, disciplinary proceedings or other duly authorized activities.
11. 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; preventing, obstructing or substantially interfering with the use of a facility or portion thereof by those persons for whom or to whom the space is assigned. This includes inciting or organizing attempts to prevent student attendance at classes.
12. Participating in or conducting an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which interferes with free access, ingress or egress of College facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions of the College; or remaining at the scene of such an assembly after being asked to leave by a representative of the College staff.
13. Possession or use of an incendiary device or explosive except in connection with a College-approved activity.

14. The unauthorized possession or use of any weapon or instrument used to inflict serious bodily injury to any person. This includes but is not limited to the possession of bowie knives, dirks, daggers, loaded canes, sword canes, machetes, box cutters, brass knuckles, pistols, rifles, shotguns, pump guns or other firearms or explosives upon the College campus or any College-owned or operated facility, unless explicitly permitted in writing by the College President or his designated representative.
15. Setting off a fire alarm or using or tampering with any fire-safety equipment, except with reasonable belief of the need for such alarm or equipment.
16. Failure to comply with instructions of College officials acting in performance of their duties.
17. "Contempt" or "perjury" in relation to any hearings relative to this code of conduct.
18. Smoking, eating or drinking in any unauthorized location.
19. Violation of a local, state or federal criminal law on College premises which adversely affects the College community's pursuit of its proper educational purposes.

B. Financial Obligations and Business Relationships

The accountability of the College for its various fiscal and business relationships with students is directed in part by the regulations governing the College and in part by its desire to encourage students to meet maturely and responsibly their commitments in these areas. The College will assume no responsibility for, nor will it act in behalf of, privately incurred debts or obligations involving students in relationships with parties outside the College.

1. Diplomas, grades, transcripts or records, letters of honorable dismissal, permission to register for succeeding semesters or to attend class or participation in graduation exercises will be withheld from students who have outstanding debts to the College or who have not made arrangements acceptable to the business office for the discharge of such responsibilities.
2. Damages to College property will be billed to the individual or group responsible for such damage at the standard rate established by the College for repair or replacement.
3. Charges, fees, defaulted payments, Pell Grant or other financial aid overpayments and fines owed for violations of the College's student parking and traffic regulations are viewed as debts to the College.
4. All sales or solicitations must be properly approved.
(See Student Fund-Raising Activities)

C. Motor Vehicles

Parking areas and vehicular access to the campus are limited. Those who use vehicles on College property should demonstrate a consistent appreciation of the need to recognize the primary pedestrian nature of the campus and local regulations which have been established.

1. All vehicles owned and/or operated by faculty, staff and students using the parking facilities of Alamance Community College shall be duly registered with the administrative officers of the College. Each faculty, staff or student vehicle registration decal shall be placed on the left side of the rear bumper where it will be clearly visible from the rear of the vehicle.

Registration decals for motorcycles or bicycles shall be displayed on the frames in a conspicuous manner. All such decals will, by color, name, and other distinguishable characteristics, differentiate student vehicles from other vehicles driven or owned by faculty and staff. The College will have available new parking decals at the beginning of each new College year (August).

All employees and students are required to make application for and display a new parking decal within two weeks after classes begin. Any employee or student who fails to display a new parking decal on his/her vehicle within the specific time will be subject to a parking violation and fine.

2. See the Campus Building/Parking Map in the ACC Student Handbook, page 113 for designation of parking areas. Students are allowed only to park in lots available for student parking. Vehicles parked in spaces not designated for parking or in drives may be towed at the owner's or the driver's expense. All towing charges shall be set by the company towing the vehicle and shall be paid by the driver and/or owner to the towing company. The College will assume no responsibility for fees incurred by the towing of any vehicle.
3. It shall be a violation within these regulations for any person to operate a motor vehicle over any drive or parking lot of the College in willful or wanton disregard of the rights or safety of others or without due caution and circumstances and at a speed or in a manner so as to endanger or be likely to endanger any person or property.
4. Any violation of the provisions of these regulations shall be punishable by a fine so designated (ACC Student Handbook and ACC Employee Policies and Procedures Manual). Any student, faculty or staff of ACC receiving three violations during one term or five in one school year may be referred for disciplinary action. Fines may be issued for parking in fire lane; taking up two spaces; parking in VISITOR, FACULTY, NO PARKING, or HANDICAPPED area; driving wrong way on one-way street; failure to display valid parking permit; abandoned vehicle (towing charges); overtime parking in 15-minutes zone; blocking walkway or roadway; disregarding safety of others, exceeding the campus-wide 10 mph speed limit, careless and reckless driving, spinning tires.
5. Persons receiving violation citations must pay fines at the Business Office during the hours Alamance Community College is normally open within seven school days of the date and time of the citation. Fines issued as a result of parking or driving violations not paid or appealed within the time limitation shall be doubled.
6. Students should heed all traffic signs and regulations. Full regulations are posted and copies of the complete policy concerning parking and traffic control regulations are available upon request.

Part IV—Sanctions

The Student Grievance Committee or the Dean of Student Development may impose any disciplinary action listed below, as well as appropriate modifications. Any decision of the Dean of Student Development may be appealed by the parties (accused or accuser) involved to the Student Grievance Committee. Any decision of the Student Grievance Committee may be appealed to the College President. There are five types of disciplinary sanctions listed below in order of increasing severity.

A. Letter of Reprimand

When an offense does not warrant notation on the individual's official College record or when

mitigating circumstances warrant, the individual may be sent a letter of reprimand censuring him/her for the offending conduct and warning against repetition. A letter of reprimand will come from the office of the Dean of Student Development. Existence of this letter is interpreted with discretion and will not become part of the student's permanent record. Two years after an individual receives a letter of reprimand, all copies will be destroyed.

B. General Probation

An individual may be placed on general probation when involved in a minor disciplinary offense. General probation has two important implications. First, the individual is given a chance to show his/her capability and willingness to observe the student code of conduct without further penalty. Second, he/she knows that if he/she errs again, further action will be taken. This probation will not be in effect more than one term. Existence of this letter is interpreted with discretion and will not become a part of the student's permanent record. Two years after an individual receives notification of general probation, all copies will be destroyed.

C. Restrictive Probation

Restrictive probation results in loss of good standing and becomes a matter of permanent record. Restrictive conditions may limit activity in the College community. Generally, the individual will not be eligible for initiation into any campus or national organization nor may he/she receive any College award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any College or student organization. The student will not be allowed to participate in any type of extracurricular student activity. This probation will be in effect for no more than two semesters. Any violation of restrictive probation may result in immediate dismissal.

D. Suspension

An individual involved in an offense warranting consideration of action more serious than restrictive probation will face suspension which becomes a matter of permanent record. The length of the suspension will be determined by the seriousness of the offense but shall be of a short-term nature, generally not exceeding five school days beginning immediately with the assignment of the sanction. During the period of suspension, the individual is not permitted on any school property without written permission of the Dean of Student Development. Upon completion of the sanction and return to class, the individual will be on general probation.

E. Dismissal

1. Explicit Dismissal

An individual involved in an offense warranting consideration of action more serious than suspension or one involved in repeated misconduct will face explicit dismissal. The length of the explicit dismissal will be determined by the seriousness of the offense but shall not exceed one year.

2. Indefinite Dismissal

An individual will be placed on indefinite dismissal for offenses so severe that his/her continued attendance would be considered an infringement upon the rights of the student body or the attainment of the College's purposes. The length of the indefinite dismissal will not be less than one year.

3. General

The College expects an individual who has been dismissed from the institution, whether explicit or indefinite, to leave the campus after the sanction is assigned. Any individual dismissed for conduct offenses must secure written permission from the Dean of Student Development before he/she may be present on any College property or at any College-sponsored or supervised activity. If the student fails to leave the campus or returns to the campus without the proper authority, he/she may be charged with trespassing. Should the

individual previously dismissed, whether explicit or indefinite, desire to reenter the College, he/she may do so only under a condition of general probation. If a student withdraws from the College while facing conduct charges, the same procedures will apply as are applicable to dismissal until such time that the charges are settled. When an individual has been dismissed for conduct reasons, a full report will become a part of the individual's record.

Part V: Grievance Procedures and Due Process

The procedures outlined here are open to any student, faculty or staff member seeking a hearing for what is perceived to be unfair treatment during his/her association with ACC. The intent of these procedures is to have a fair and just resolution of any issue at the lowest possible level. Violations of the Student Code of Conduct will be heard through this process. Other grievances to be heard through this process include those related to: Title IX of the Educational Amendments of 1972, Family Educational Rights and Privacy Act of 1974, The Americans with Disabilities Act, or illegal or unfair treatment related to sex, sexual harassment, race, religion, creed, national origin or handicap. This procedure does not apply to grade appeals or to employer/employee grievances related to part-time student workers. (Such cases are addressed in the ACC Employee Policies and Procedures Manual).

A. Grievance Procedures and the Appeal Process

Student vs. Student Grievance

1. Within three days of the incident, the aggrieved student should attempt to resolve the issue through discussion with the individual perceived to be the source of the grievance.
2. If not resolved, the aggrieved student then has three days to bring the grievance to the *Dean of Student Development who will assist the student in thinking through the grievance and, if appropriate, to prepare an official written complaint.
3. The *Dean of Student Development interviews appropriate students and/or witnesses involved, reads supporting documentation, gives the students their due process rights, makes a determination of responsibility, and assigns sanctions.
4. Either party in the complaint has three days to appeal the Dean's decision to the Student Grievance Committee by submitting the "Student Grievance Committee Due Process Appeal Form" and attaching any supporting documentation.
5. The hearing of the grievance must be set by the Chairperson of the Grievance Committee within seven school days after receiving notification of appeal. The Chairperson may grant an extension for the hearing date for extenuating circumstances.
6. If still unresolved, the final appeal rests with the College President. The person who appeals a decision at this level has five days to state, in writing, why the action taken against him/her is unjust or the procedures used unfair. Any questions concerning proper appeal procedures should be directed to the Dean of Student Development. Until the President's office receives the appeal, all specifics of the action of the Grievance Committee are in effect. The President will make a decision within 10 days after receiving the appeal and notify concerned parties and the Grievance Committee. In all cases, the President's decision shall serve as the final governing authority of the College.
7. While an action of the Dean of Student Development, Grievance Committee, or College President is under appeal, a student may or may not be permitted to attend class or participate in College-related activities. This determination will be made by the Dean of Student Development on a case-by-case basis. If the appeal is denied,

the original sanction(s) stand and the academic standing of the student reverts back to the day sanctions were imposed.

* Students taking Continuing Education courses should begin the grievance process by talking to the Dean of Continuing Education. The Dean will collect the evidence, hear testimony and make a preliminary decision on the case which is then forwarded to the Dean of Student Development. The Dean of Student Development informs the student of due process rights and makes the final decision.
* Instances involving Continuing Education students are referred to the Dean of Continuing Education. The Dean will collect the evidence, hear testimony and make a preliminary decision on the case which is then forwarded to the Dean of Student Development. The Dean of Student Development informs the student of due process rights and makes the final decision.

Staff or Faculty Member vs. Student Grievance

1. Faculty member or staff person will discuss the issue with the student for resolution of the problem. If the issue is not resolved, the faculty member will notify his/her immediate supervisor who will then notify the Associate Dean and the Dean of Student Development. An administrative review of the matter may result in the sanction of administrative withdrawal from the course and/or referral through the formal complaint procedures as follows:
2. An official student complaint form should be filled out with any supporting documentation and/or names of witnesses and given to the *Dean of Student Development.
3. The *Dean of Student Development interviews appropriate students and witnesses, reads supporting documentation, makes a determination of responsibility, and assigns sanctions.
4. Either party in the complaint has three days to appeal the Dean's decision to the Student Grievance Committee by submitting the "Student Grievance Committee Due Process Appeal Form" and attaching any supporting documentation.
5. The hearing of the grievance must be set by the Chairperson of the Grievance Committee within seven school days after receiving notification of appeal. The Chairperson may grant an extension of the hearing date for extenuating circumstances.
6. If still unresolved, the final appeal rests with the College President. The person who appeals a decision has five days to state, in writing, why the action taken against him/her is unjust or the procedures used unfair. Any questions concerning proper appeal procedures should be directed to the Dean of Student Development. Until the President's office receives the appeal, all specifics of the action of the Grievance Committee are in effect. The President will make a decision within 10 days after receiving the appeal and notify concerned parties and the Grievance Committee. In all cases, the President's decision shall serve as the final governing authority of the College.
7. While an action of the Dean of Student Development, Grievance Committee, or College President is under appeal, a student may or may not be permitted to attend class or participate in College-related activities. This determination will be made by the Dean of Student Development on a case-by-case basis. If the appeal is denied, the original sanction(s) stand and the academic standing of the student reverts back to the day sanctions were imposed.

Student vs. Faculty or Staff Member Grievance

1. Student should attempt to discuss his/her complaint with the individual faculty or staff member. If the issue is not resolved, or the meeting not possible within three days of the incident causing concern, the student should appeal to the faculty member's Department Head and then to the Associate Dean of the academic division. In the case of a staff person, the student should appeal to that individual's supervisor. In cases where this process does not resolve the issue, students should be referred to the Dean of Student Development who will assist the student in presenting his/her complaint to the Grievance Committee. The Dean will notify the Grievance Committee within three days of this meeting that a hearing needs to be held.
2. The hearing of the grievance must be set by the Chairperson of the Grievance Committee within seven school days after receiving notification of the complaint. The Chairperson may grant an extension for the hearing date for extenuating circumstances.
3. Final appeal rests with the College President. The person who appeals a decision at this level has five days to state, in writing, why the action taken against him/her is unjust or the procedures used unfair. Any questions concerning proper appeal procedures should be directed to the Dean of Student Development. Until the President's Office receives the appeal, all specifics of the action of the Grievance Committee are in effect. The President will make a decision within 10 days after receiving the appeal and notify concerned parties and the Grievance Committee. In all cases, the President's decision shall serve as the final governing authority of the College.
4. While an action of the Dean of Student Development, Grievance Committee, or College President is under appeal, a student may or may not be permitted to attend class or participate in College-related activities. This determination will be made by the Dean of Student Development on a case-by-case basis. If the appeal is denied, the original sanction(s) stand and the academic standing of the student reverts back to the day sanctions were imposed.

B. Hearing Procedures and Due Process for Student Code of Conduct Violations

1. Complaints

Complaint forms are located in the Dean of Student Development, Dean of Continuing Education or Campus Security Offices. Information required includes: name of student(s) involved; witness names; description of violation; place and date of the infraction; and any action taken. Complaint is filed with Dean of Student Development or Dean of Continuing Education for complaints occurring in Continuing Education.

2. Response to Complaint

The Dean of Student Development, Dean of Continuing Education, Chief of Security, or their designees will notify the student of charges. The student has 24 hours after receiving this notice to contact the appropriate Dean for a hearing. If no contact is made, the Dean has the authority to suspend the student until the meeting occurs. At the preliminary hearing the student will be notified of the information on the official complaint form, have a chance to respond to charges, can provide information on any additional witness statements, and will be provided with his/her rights and responsibilities as detailed in the grievance procedures and appeals process. The student will sign a "Conduct Procedures Report" signifying that he/she was informed of his/her rights. Final determination of responsibility is made by the Dean of Student

Development and is based on the standard of “preponderance of the evidence.” The Dean will assign sanctions and notify the student, in person (when practical), and by certified letter.

C. Grievance Committee Procedures

1. Grievance Committee Members

The Grievance Committee is made up of three students (SGA President, Vice President, and Secretary), two faculty members (Chairs of Faculty Affairs and Curriculum Evaluation Committees) and two staff members appointed by the President. No member with direct or indirect involvement with the appeal will sit for the hearing. Alternates for faculty/staff are named by the Committee Chair or ACC President and student alternates are submitted in writing by the SGA President. Decisions are made by majority vote. The designated committee chair will vote only to resolve a tie vote.

2. Rules and Guidelines for Grievance hearing

- a. Chair will supply the accused with a copy of the appeal form and will supply the grievance initiator with a copy of the response to the grievance (appeal).
- b. Initiator of the grievance and the accused may be present during all segments of the grievance hearing in which testimony is given.
- c. The hearing will be closed to the public. The hearing, except deliberations, will be tape recorded. Tapes become the property of Alamance Community College and are stored in the Dean of Student Development’s Office. Access to copies, at the expense of the requestor, will be determined by the Chair after consultation with the Dean of Student Development.
- d. Any witnesses must submit a written statement of testimony to the Chairperson at least three school days prior to the date of the hearing. The Chair will certify the witness as an individual having relevant testimony. If it is impossible for a witness to appear, he/she may request in writing that his/her statement be considered at the hearing.
- e. Witnesses may be present in the hearing only when they are giving testimony.
- f. The initiator of the grievance or the accused party may be accompanied by a student, faculty/staff member or attorney to assist on a consulting (non-participatory) basis. If an attorney is to be present, the name, address, and telephone number of the attorney must be supplied to the Chair five school days before the hearing.

3. Procedures in hearing

- a. Complaint/charge is read to accused and the committee.
- b. Plea of the accused is heard.
- c. Testimonies of both parties and witnesses occur. Every person giving testimony will take oath: “I affirm to tell the truth, the whole truth, and nothing but the truth so help me God.”
- d. Either party may write questions for the Chair to use in hearing testimony. The Chair or any committee member may ask questions of either party during this presentation of testimony.
- e. A written notification of the committee’s decision will be provided to all parties and the Dean within 24 hours after the hearing. Appeal procedures to the College President will be described in this notification.

D. Perjury and Contempt

1. Perjury is defined as the voluntary violation of an oath or vow given before testimony. It includes such examples as lying or falsification of records. Such acts will result in a minimum penalty of dismissal.
2. Contempt is defined as any act or process in which a person prohibits or obstructs the system of due process. Examples include being out of order in a committee session, attempting to bribe a committee member or witness, or not appearing at a scheduled grievance hearing. Such acts will result in a maximum penalty of dismissal.