



Purpose

To provide policy regarding Student Rights, Responsibilities and Judicial Process, including the Student Code and Rules of Conduct, student disciplinary process, sanctions and appeals.

General Policy

The College shall adhere to the Family Educational Rights and Privacy Act of 1974, as amended, including the provisions of safeguards regarding confidentiality of, and access to, student records.

The College shall reserve the right to maintain a safe and orderly educational environment for students and staff.

Therefore, when in the judgment of College officials, a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action shall be taken to restore and protect the sanctity of the community.

The Vice President of Student Services (or designee) shall be responsible for implementing the student disciplinary process.

Statement of Student Rights, Responsibilities and Judicial Process

Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the 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.

Freedom to teach and freedom to learn are inseparable facets of academic 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 the obligations accrued to them by virtue of this membership. As members of the larger community of which the College is a part, students are entitled

to all rights and protection accorded them by the laws of that community. Students are also 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. In such instances, College discipline will be initiated only when the presence of the student on campus substantially disrupts the educational process of the College. However, when a student's violation of the law also adversely affects the College's pursuit of its recognized educational objectives, the College may enforce its own regulations.

Students who violate College regulations shall be subject to disciplinary action by the College whether or not their conduct violates the law.

If the student's behavior simultaneously violates both College regulations and the law, the College may take disciplinary action independent of that taken by legal authorities.

Student Rights

1. All rights and privileges guaranteed to every citizen by the Constitution of the United States and by the State of North Carolina shall not be denied any student.
2. Students shall be free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on the campus shall be provided by the College. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.
3. Students shall have the right to freedom of expression, inquiry and assembly without restraint or censorship, subject to reasonable and non-discriminatory rules and regulations regarding time, place and manner.
4. Students have the right to inquire about and propose improvements in policies, regulations and process affecting the welfare of students through established student government procedures, campus committees and College offices.
5. Students and former students shall have the right to review their official records and request a hearing if they challenge the contents of these records. No records shall be made available to unauthorized personnel or groups outside the College without the

written consent of the student involved except under legal expulsion or as allowed under FERPA.

6. Students shall have the right to expect that no disciplinary sanctions, other than temporary removal from class/activity only for duration of said class/activity, shall be imposed upon any student without due process.
7. Procedures are established to guarantee a student accused of a Student Code of Conduct violation due process.
8. Students shall have the right to be advised via information provided in the College Catalog, College website and other publications and through the Division of Student Services that under the Student Right To Know Act, the College shall be required to disclose information about graduation, completion and transfer-out rates to current and prospective students and the public.

Administrative vs. Legal Proceeding

The procedures described in this policy are administrative procedures designed to create opportunities for members of the campus community to evaluate alleged violations and determine appropriate sanctions if necessary. They are not legal proceedings. Although many elements of the law (such as due process) influence and inform our campus disciplinary proceedings, our procedures do not follow all the rules and procedures of a formal legal proceeding, nor are they intended to.

Student Code of Conduct

Students shall be expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The act of enrollment at the College shall indicate acceptance by the student of published rules and policies of the College.

The purpose of this Student Code of Conduct shall be to protect the rights of individuals in their academic pursuits, not to restrict student rights.

Rules of Student Conduct

The following Rules of Student Conduct shall be to prohibit certain types of student behavior, and violation of one or more of the Rules may result

in disciplinary sanctions described:

Violation of the Academic Integrity Policy

1. 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; 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; and unauthorized presence in a College facility after closing hours.
2. Possession, use or distribution of any alcoholic beverages or being in a state of intoxication on the College premises or at College-sponsored or supervised functions off-campus or in College-owned vehicles. Possession, use or distribution of any illegal drugs, except as expressly permitted by law.

Any influence which may be attributed to the use of drugs or alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of those actions.

3. Disorderly, lewd or indecent conduct, including but not limited to, public urination, defecation, sexual acts performed in the public or on college premises, taking pictures of another person in a gym locker room or restroom without that person's consent, disrobing or streaking, or possession or distribution of legally obscene material.
4. The use of legally obscene language or behavior that materially or substantially disrupts college function.
5. Excessive noise on college property including its hallways, walkways, driveways, and parking areas.
6. Conduct which threatens or endangers the health/safety of any person on the campus, online, or ant any College authorized function/activity including, but not limited to, physical abuse, the threat of physical abuse, sexual misconduct and assault.
7. Discrimination on the grounds of age, race, color, sex, national origin, disability, religion, creed, military or veteran status, or genetic information on college premises, at College-sponsored

events, or online that is sufficiently severe that it limits or denies an individual the ability to participate in or benefit from the College's educational program or activities.

8. Any act, comment, or behavior that materially and substantially disrupts the college or interferes with a student's performance including that which promotes actual violence or harm, fighting words, true threats, violations of the law, criminal or severe harassment, defamation that harms a person's reputation, false advertising or commercial speech that is misleading or the use of public resources for partisan political activities.
9. Intimidation (implied threats) or coercion that causes a reasonable fear of harm in another.
10. Material or substantial obstruction of teaching, research, administration or disciplinary proceedings, or other College activities including public service functions and other duly authorized activities on College premises.
11. Occupation or seizure in any manner of College property, College facility or any portion thereof for a use inconsistent with prescribed, customary or authorized use.
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 to, ingress or egress of College facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions; and remaining at the scene of such an assembly after being asked to leave by a representative of the College.
13. Possession or use of a firearm, incendiary device or explosive, except in connection with an activity approved and sanctioned by the College, and including unauthorized use of any instrument designed to inflict bodily injury.
14. Setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment.
15. Gambling.

16. Smoking and/or using other forms of tobacco products or use of electronic cigarettes in classrooms and labs or other unauthorized areas.
17. Violation of College regulations regarding the operation and parking of motor vehicles.
18. Forgery, alteration, copyright violation, or misuse of College documents, records, computer software, computer equipment or instruments of identification with intent to deceive; or making a knowingly false statement, either orally or in writing, to a College official.
19. Failure to comply with instructions of College officials acting in performance of their duties, including failure to provide student identification in a timely manner when requested.
20. Violation of the terms of disciplinary probation or any College regulation or policy during the period of probation.
21. Fiscal irresponsibility such as failure to pay College-levied fines, failure to repay College-funded loans or passing of worthless checks to College officials.
22. Violation of a local, state or federal criminal law on College premises adversely affecting the College community's pursuit of its educational purposes.
23. Violation of the College's information technology acceptable use policies.
24. Use of cell phones, pagers or other electronic devices while attending class or participating in class-related activities (e.g., labs, clinics) without prior approval of the instructor.
25. Failure to respond to a notice of charges.

Certain programs such as associate degree nursing and basic law enforcement training also have supplementary codes of conduct to which students within those programs also must adhere.

Immediate Suspension

If an act of misconduct threatens the health or wellbeing of any member of the community or seriously disrupts the function and good order of the College, an instructor or College officer may direct the student(s) involved to cease and to desist such conduct, while advising them that failing to cease and desist will result in immediate suspension.

If the student(s) fails to cease and desist, the instructor may then suspend the student(s) from the class. The Vice President (or designee) or the President (or designee) may suspend the student(s) from either the class or the College until a resolution of the matter can be made.

The instructor or College officer invoking such suspension shall notify the Vice President of Student Services in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than two days following the incident.

The Vice President/designee shall resolve the matter in a timely fashion utilizing the appropriate steps.

Student Disciplinary Process

Student Disciplinary Cases

In order to provide an orderly process for handling student disciplinary cases in accordance with due process and justice, the following steps shall be followed:

- 1. Charges**

A College official, faculty member or student may file charges with the Vice President of Student Services against any student or student organization for violation of College regulations.

The individual(s) making the charge must complete and submit to the Vice President of Student Services the **Student Charge/Complaint Form**, available from the office of the Vice President or via the College's website stating:

- Name of the student(s) involved;
- The alleged violation of the specific Student Code of Conduct;
- The time, place and date of the incident;

- Names of person(s) directly involved or witnesses to the infraction; and
- Any actions taken that relate to the matter

2. Investigation and Decision

Within five working days after the charge is filed, the Vice President of Student Services (or designee) shall complete a preliminary investigation of the charge and shall schedule a meeting with the student to discuss the alleged infraction.

The Vice President/designee may act to:

- Drop the charges;
- Impose a sanction consistent with those shown below; or
- Refer the student to a College office or community agency for services.

3. Notification

The decision of the Vice President of Student Services/designee shall be presented to the student orally or in writing immediately following the meeting with the student. In instances where the student cannot be reached to schedule an appointment with the Vice President/designee or where the student refuses to cooperate, the Vice President/designee shall send notification through the student's official JCC email account providing the student with a list of the charges, the Vice President/designee's decision and instructions governing the appeal process.

Student Code of Conduct Sanctions

The sanctions for a Student Code of Conduct violation shall be as listed below. The list does not indicate an order or sequence of sanctions. The sanctions in each case will be determined by the factors related to the specific case. Sanctions include the following:

Individual Sanctions

1. **Verbal Warning:** A verbal warning statement, including friendly advice, counsel, criticism, or rebuke, to the student that further disciplinary action will be taken if the specific behavior/condition is

continued or repeated.

2. **Reprimand:** A written warning statement to the student which gives official notice to the student that any subsequent offense against the Student Code of Conduct will carry heavier penalties because of this prior infraction.
3. **General Probation:** An individual may be placed on General Probation for no more than two semesters when involved in a minor disciplinary offense and with these implications: (1) The individual is given a chance to show capability and willingness to observe the Student Code of Conduct without further penalty; and (2) if the individual errs again, further action will be taken.
4. **Restrictive Probation:** An individual may lose good standing, and the violation may become a matter of record, with restrictive conditions limiting activity in the College community. Generally, the student will not be eligible for initiation into any local or national organization, may not receive any College award or other honorary recognition and may not occupy a position of leadership or responsibility with any College or student organization, publication or activity. This probation shall be in effect for not less than two semesters, and any violation of restrictive probation may result in immediate Suspension.
4. **Restitution:** Payment for damaging, misusing, destroying or losing property belonging to the College, College personnel or students.
5. **Interim Suspension:** Exclusion from class and/or other privileges or activities as set forth in the notice until a final decision has been made concerning the alleged violation.
6. **Loss of Academic Credit or Grade:** Imposed as a result of academic dishonesty.
7. **Withholding the Transcript/Diploma, the Right to Register or Participating in Graduation Ceremonies:** Imposed when financial obligations are not met; the student shall not be allowed to register until all financial obligations are met.
8. **Suspension:** Exclusion from class 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 or for repeated misconduct. Students who receive this sanction must get specific written permission from the Vice President of Student Services before returning to campus.

9. **Expulsion:** Dismissing a student from the College for an indefinite period, resulting in loss of student status. The student may be readmitted to the College only with the approval of the President.
10. **Suspension from Campus Activities:** Exclusion from participation in designated student clubs, organizations, or activities for a specified period of time and/or loss of officer standing with a student organization.

Group Sanctions

1. **Group Probation:** Imposed upon a College club or other organized group for a specified period of time. If group violations are repeated during the term of the sentence, the organizational charter may be revoked or activities restricted.
2. **Group Restriction:** Removing College recognition during the semester in which the offense occurred or for a longer period usually not more than one other 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.
3. **Group Charter Revocation:** Removal of College recognition for a group, club, society or other organizations for a minimum of two years. The re-chartering of a group/club shall be approved by the President.
4. **Other Sanctions:** Students may be required to attend workshops or research topics that pertain to the behavior that violated the Code of Conduct. These Sanctions assist the student to gain the skills necessary to avoid future conduct code violations.

Appeals Process

Request for a Hearing

A student who disagrees with the decision of the Vice President of Student

Services may request a hearing before the Disciplinary Review Committee.

This request shall be submitted in writing to the Vice President within three working days after receipt of the Vice President's decision.

The Vice President shall refer the matter to the Disciplinary Review Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student against whom the charge has been filed and relevant facts revealed by the investigation.

Disciplinary Review Committee

Terms of Service

Disciplinary Review Committee members shall be expected to serve a two-year term, beginning in January and ending in December. Replacements on the Committee shall be appointed by the President or by SGA, if necessary.

Committee Membership

Membership of the Disciplinary Review Committee shall be composed of the following:

1. One faculty member and one staff member appointed by the President.
2. One student member appointed by the Student Government Association and as approved by the President.
3. One administrator appointed by the President to serve as Committee Chair.

Title IX complainants will be handled according to the Title IX grievance procedure.

Process for Disciplinary Review Committee Hearings

Process Responsibilities of the Vice President of Student Services

The Disciplinary Review Committee shall be expected to meet within ten working days of receipt of a request for a hearing.

At least three working days prior to the date set for the hearing, the Vice President of Student Services shall send a certified letter to the student's last known address providing the student with the following information:

- A restatement of the charge or charges;
- The time and place of the hearing;
- A statement of the student's basic procedural rights;
- A list of the names of witnesses; and
- A list of the names of Committee members.

Basic Process Rights of Students

A student shall be afforded all of the following rights:

1. The right to counsel, with counsel acting solely to advise the student and not having authority to address the Committee. In cases of sexual misconduct, the accuser and accused can have an advisor of their choice present during the hearing.
2. The right to produce witnesses on one's behalf.
3. The right to request the President to disqualify any member of the Disciplinary Review Committee for prejudice or bias, with the petition to be submitted in writing at least three working days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved by the President.
4. The right to present evidence.
5. The right to know the identity of the person(s) bringing the charge(s).
6. The right to testify or refuse to testify without such refusal being detrimental to the student.
7. The right to appeal the decision of the Disciplinary Review Committee to the President who will review the official record of the hearing. The appeal shall be in writing and submitted within five working days of the completion of the hearing.

The Conduct of the Disciplinary Review Committee Hearings

Hearings before the Disciplinary Review Committee shall be confidential and shall be closed to all persons except the student, counsel and/or, in cases of sexual misconduct, Advisor(s), and witnesses.

The hearing shall be recorded, with the recordings used for transcription purposes and then erased or destroyed once a written record of the hearing is established.

The Committee shall have the authority to adopt supplementary rules of procedure consistent with this code.

Upon completion of a hearing, the Committee shall meet in executive session to determine concurrence or non-concurrence with the original finding and recommend sanctions if applicable.

Decisions of the Committee

Decisions of the Committee shall be made by majority vote. Within two working days after the decision of the Committee, the Vice President of Student Services shall send a communication to the student's official JCC email account with the Committee's decision.

Appeal to the President

A student who refuses to accept the findings of the Disciplinary Review Committee may appeal in writing to the President within five (5) working days after the receipt of the Committee's decision.

Authority of the President

The President shall have the authority to:

1. Review the findings of the proceedings of the Committee;
2. Hear from the student, the Vice President of Student Services and the members of the Committee before ruling on an appeal; and
3. Approve, modify or overturn the decision of the Committee.

The President shall inform the student in writing (through the

student's official JCC student email account) of the final decision within ten (10) working days of the receipt of the appeal.

Related Forms

- Student Charge/Complaint Form