

Student Rights & Responsibilities

Preamble

Freedom to teach and freedom to learn are inseparable parts of academic freedom. The members of this academic community share a belief in the freedom to learn. The College, therefore, has a duty to develop policies and procedures which provide and safeguard this freedom. Many members of the College community helped to establish the policies and procedures outlined below within a framework of general standards. The purposes of the policies, regulations, and procedures listed on the following pages are to provide an academic environment that will promote quality educational outcomes.

Definitions and Terms

Student: A student is defined as any person applying to the College or currently enrolled in any course at any campus location and/or on-line, including high school students applying to DCCC programs or currently enrolled in DCCC coursework at any campus location and/or on-line. The College reserves the right to dismiss any student prior to his or her enrollment by rescinding that student's admission upon finding a cause to do so. Such a finding will be an administrative decision issued by the Vice President, Student Services and Enrollment Management or his or her designee. The College may proceed with unresolved charges under the Student Code of Conduct regardless of an individual's enrollment status.

Conduct Officer: Designated by the Vice President, Student Services and Enrollment Management, the conduct officer is a staff member in Student Services and Enrollment Management authorized to review alleged violations of the Student Code of Conduct, to impose sanctions upon students who have violated the Code, and to perform other duties as assigned related to Student Rights and Responsibilities. The Vice President may authorize several Conduct Officers and also serve as Conduct Officer.

Danger to Self: The individual has attempted or threatened suicide or expressed or acted in manner to reflect suicidal intent, and there is a reasonable probability of suicide unless adequate treatment is given; the individual has or attempted to mutilate him/herself or there is a reasonable probability of mutilation unless adequate treatment is given. A threat assessment may be issued in such instances.

Danger to Others: Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a manner as to create a substantial risk of serious bodily harm on another, or has engaged in extreme destruction of property; and there is a reasonable probability this conduct may be repeated. Previous instances of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Cogent and convincing evidence that an individual has committed a homicide in the relevant past is evidence of dangerousness to others (from NCGS 122C-3(11)b). The individual has expressed or acted in a manner to reflect intent to harm others. The individual is involved in

a serious drug offense as defined by the College or state and federal law.

Threat: A threat is defined as any conduct that presents a clear and present danger to self, others, or the campus community in general. In immediate and serious threatening situations, the President reserves the right to waive due process and act in the best interest of campus safety.

Threat Assessment: A threat assessment is a tool the College may use when facing an extraordinary discipline and safety issue. A threat assessment is a way to assess a student's particular physical, emotional, and psychological well-being and help that student receive the assistance needed in order to continue being a productive member of the campus community. The primary goal of the threat assessment process at DCCC is to provide early assistance to students in distress in order to ensure well-being and safety and help prevent situations of concern, either before or after a conduct violation has occurred, from becoming more serious.

Bill of Rights

Each student is guaranteed the privilege of exercising his/her rights of citizenship under the Constitution of the United States without fear or prejudice. In addition to constitutional rights as a citizen, each individual enrolled at the College is afforded additional student rights which are listed below:

1. Students are free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on the campus shall be provided for by the College.
2. Free inquiry, expression, and assembly are guaranteed to all students.
3. No disciplinary sanctions other than admonition, warning, reprimand, and temporary suspension may be imposed upon any student without due process.
4. Evaluation of student academic performance shall not be prejudicial. The student is entitled to an explanation of the basis for his/her grades. The College, however, has the right to set academic standards which students must meet.

General Policies

1. The College has the right to set standards of conduct and scholarship for students. The College believes that when students understand and take responsibility for their conduct and educational achievement they will more likely have a successful collegiate experience and achieve their personal goals. The College, in order to protect its educational purpose, also has the right to discipline students who do not meet its standards of conduct. Disciplinary procedures, however, are not as important in developing responsible student conduct as counseling, guidance, example, and admonition. When such means fail to resolve problems of student conduct, certain procedures will be followed so that students will not have serious penalties imposed upon them unfairly.

2. Procedural fairness is basic to the proper enforcement of all College rules. A student may not have an adverse notation written on any permanent record or a disciplinary sanction imposed except admonition, reprimand, warning, or temporary suspension unless the following procedures have been followed.
 - a. The student has been informed of the charges against him or her.
 - b. The student has an opportunity to appear before a designated College hearing officer.
 - c. The student has the opportunity to know the nature of the evidence and to present evidence on his or her behalf.
 - d. The student has the opportunity to file a petition of an appeal of the action.
3. The procedures for handling violations of College regulations are designed to assure due process, fairness, and prompt and objective review by third parties, with appropriate appeals procedures. There is a general intent to maintain confidentiality, to avoid unnecessary formality, and to resolve issues at the lowest possible level.
4. 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.
5. 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 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. Though an offense may be the subject of legal action by civil authorities, the College is nonetheless free to initiate disciplinary action that may result in additional penalties.
6. The College may apply sanctions (penalties) 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, (2) commitment to providing a safe learning environment, or (3) responsibility of protecting property, keeping necessary records, providing necessary services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions.
7. A student in the presence of a Code of Conduct violation and who is not actively involved has three choices: (1) leave the situation; (2) ask the student(s) to stop the behavior and/or leave the area; or (3) ask a College staff or faculty member for help. A student who does not choose any of these three options may be held responsible for the conduct violation.

Code of Conduct

All students and staff, regardless of the location or delivery method of their services and classes, have the right to a safe, peaceful, and honest educational environment. Therefore, when in the judgment of College personnel a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken to restore and protect the safety, peace, and integrity of the community. Students are expected to conduct themselves according to generally accepted standards of scholarship and conduct. The purpose of the Student Code of Conduct is not to restrict student freedoms but to protect the rights of individuals in their academic pursuits. Therefore, students are prohibited from engaging in any conduct that materially and adversely affects the educational process including, but not limited to, the following:

1. Academic dishonesty.
2. 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, on or off campus.
3. Trespass, including unauthorized entry or presence on the property of the College, including College computers, or in a College facility or any portion of it to which entry or presence is restricted.
4. Unauthorized possession, duplication, or use of keys to any College premises.
5. Violation of the Drug-Free Campus Policy.
6. Disorderly, lewd, or indecent conduct or materials on College premises, College computer systems, or at a College-sponsored or College-supervised function. Disorderly conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her knowledge, or without his/her effective consent when such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
7. Mental or physical abuse of any person or any other such form of behavior on College premises or at College-sponsored or College-supervised functions, including communication in any form, physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or conduct which threatens or endangers an individual's health, well-being, or safety.
8. Violation of the No-Harassment and Consensual Relationship Policy.
9. Excessive use of profanity; obscene and offensive language and conduct.
10. Intentional obstruction or disruption of teaching, administration, or disciplinary proceedings, or other College activities, including public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on the College premises.
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.

12. Participating in or conducting an assembly, demonstration or gathering in a way that threatens or causes injury to person or property; which interferes with free access to, entering, or leaving College facilities; which is harmful, obstructive, or disruptive to the functions of the College; or 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 weapon, as defined by State law, on College premises or at College-sponsored or College-supervised functions, as prohibited under N.C. Statute 14-269.2. This includes carrying a concealed weapon on campus or to a College-sponsored activity even though in possession of a valid permit. Exceptions may apply to on-duty law enforcement officers attending College classes or activities.
14. Issuing a bomb threat, setting off a fire alarm, or using or tampering with any fire safety equipment on College premises or at College-sponsored or College-supervised functions, except with reasonable belief of the need for such alarm or equipment.
15. Gambling on College premises or at College-sponsored or College-supervised functions.
16. Smoking and/or using other forms of tobacco products anywhere on College premises or in College vehicles.
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 disrupt.
19. Failure to comply with instructions of College faculty and staff acting in performance of their duties.
20. Failure to respond to a notice of conduct charges.
21. Acting as an accessory to a conduct violation or helping another individual commit a violation.
22. Violation of the terms of disciplinary probation, suspension, or expulsion or any College regulation during probation.
23. Fiscal irresponsibility such as failure to pay College-levied fines, failure to repay College-funded loans, or the passing of worthless checks to College personnel.
24. Violation of a local, state, or federal criminal law which adversely affects the College community's pursuit of its proper educational purposes.
25. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
26. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
27. Any violation of North Carolina State Penal Law, including a charge of violation of the Penal Law, whether occurring on or off-campus, may be processed as a Code of Conduct

violation. Code of Conduct proceedings may be carried out prior to, simultaneously with or following civil or criminal proceedings.

Please note: Certain programs such as Associate Degree Nursing and Basic Law Enforcement Training also have supplementary codes of conduct to which students within those programs must adhere.

Resolution of Student Issues/Complaints

The College tries to create an atmosphere designed to promote free and open communications needed to maximize problem-solving effectiveness, mutual trust, and understanding. Open and direct communication among students, faculty, and staff is important and essential.

Effective communication occurs when people listen with understanding. Listening with understanding involves an attempt to see the expressed ideas and attitudes from the other person's point of view. The goal of effective communication should be to listen to each other and try to understand each other's feelings and situations even when there are disagreements. When people listen to each other and try to overcome the natural tendency to evaluate situations only from a subjective, personal point of view, then communication is improved.

Free and open exchange of information and discussion of differences are fundamental values of the College. Most student concerns or complaints should be resolved informally through communication between the student and the College employee.

Several processes are in place to assist students in resolving issues: When in doubt as to what process applies in a given situation, please contact the Vice President, Student Services and Enrollment Management, 336.249.8186, extension 6311 for assistance.

Code of Conduct Disciplinary Procedure

The Code of Conduct Disciplinary Procedure is used when students violate the disciplinary Code of Conduct, which can include in-class or out-of-class behavior. This process is facilitated by Student Services and includes formalized due process guidelines:

- Students are given notice of the charges against them,
- Students have a hearing before the appropriate Student Conduct Administrator to share their perception of the events,
- Witnesses are interviewed,
- Sanctions as described in the General Catalog/Student Handbook can be applied, and
- An appeal process is delineated.

Any instructor or staff member may use his/her discretion to give a sanction of admonition, warning, reprimand, or temporary suspension to any student in violation of the Student Code of Conduct and who is disrupting the educational process. Other sanctions can only be imposed in accordance with the process called for under the Disciplinary Procedures.

1. Temporary Suspension Procedures: If an instructor or staff member determines that a student is in violation of the Student Code of Conduct and is disrupting the educational

- process, he or she may suspend the student from a course or the College until the Conduct Officer, or designee, can investigate the student's conduct. Temporary suspension should be reserved for situations where the student's continued presence would be an immediate danger to him/herself or others. Prior to suspension, the student(s) will be given the opportunity to explain his or her conduct to the instructor or staff member who is taking the suspension action. The College will make every effort to convene a hearing as quickly as possible.
2. The instructor or staff member invoking such suspension will file a Student Code of Conduct charge with the Conduct Officer or designee, within two working days following the temporary suspension. The Conduct Officer will resolve the matter in a timely manner using the steps outlined under Disciplinary Procedures.
 3. Responsibility for Implementation — The Conduct Officer or designee, is responsible for implementing student discipline procedures.
 4. Disciplinary Procedures — To provide an orderly procedure for handling student disciplinary cases, the following procedures will be followed:
 - Charges. Any faculty or staff member, or student may file charges with the Conduct Officer or designee, against any student or student organization for violations of College regulations. The individual(s) making the charge should submit a written statement which includes:
 - a. Name of the student(s) involved;
 - b. The specific violation of the Code of Conduct;
 - c. A description of the incident(s), including the time, place, and date of the incident(s);
 - d. Names of person(s) directly involved or witnesses to the incident(s);
 - e. Any action taken that related to the matter. The statement of the charge should be forwarded directly to the Conduct Officer or designee.
 - Preliminary Investigation and Decision: Within five (5) working days after the charge is filed, the Conduct Officer, or designee will complete a preliminary investigation of the charge which will include a meeting with the student. During the meeting with the Conduct Officer the student will be confronted with the evidence against him or her and will be given the opportunity to respond.
 - In instances where the student cannot be reached to schedule an appointment with the Conduct Officer or where the student does not respond to the notice of charges or refuses to cooperate, the student forfeits the right to a hearing. The Conduct Officer will proceed with an investigation, whether or not the student is present, and if the student is found to be in violation of the Code of Conduct, appropriate sanctions will be determined. A certified letter sent to the student's last known address will inform the student of the charges, the results of the Officer's preliminary investigation, the Officer's decision, and the appeals process.
 - Within five (5) working days after the meeting with the charged student, the Conduct Officer will notify the student of his or her decision in writing. The Officer's decision will include a statement of the determination of whether the student violated the Student Code of Conduct.
1. If the Conduct Officer determines that the student has violated the student code, the decision will include:
 - a statement of the specific provision(s) of the student code that the student violated;
 - a statement of sanctions imposed;
 - a statement of the student's right to appeal the decision and instructions regarding the appeals procedure.
 2. If the Conduct Officer determines that the student did not violate a provision of the Student Code of Conduct, then the decision shall state that the charge has been dismissed.
 - In instances where the student poses an immediate danger to self or others, the Care Team will be involved, and the process of the Team will serve as the student's disciplinary due process.

Sanctions

Student Code of Conduct sanctions or penalties are defined below. Any of these may be applied for any student applying to the College, enrolled full-time or part-time in any curricular, high school, continuing education or basic skills program of the College at any campus location or on-line, and to identifiable groups and organizations which are a part of the College community. Subsequent violations of the Code of Conduct will be grounds for the imposition of a more severe sanction.

Repeating an offense for which a sanction has been imposed will be grounds for the imposition of a more severe sanction.

Any student, staff, faculty member or other College employee may give any student or group an admonition, warning, or reprimand at any time without due process. Temporary suspension should be reserve for instances where the student presents an immediate danger to him/herself or others. More severe sanctions may be imposed by the Conduct Officer or designee, except as noted under "Loss of Academic Credit or Change of Grade."

Parents/guardians of students under the age of 18 will be notified regarding the disciplinary sanctions listed.

Individual Sanctions

Admonition: Friendly advice, counsel, criticism, or rebuke which may be given in oral or written form.

Warning: Oral or written notice that continuation of specified conduct may be cause for more severe disciplinary action.

Reprimand: Written criticism for violation of specified College policy or regulation.

Temporary 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.

Restitution: Paying for damaging, misusing, destroying or losing property belonging to the College, College personnel, or students.

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.

General Probation: General Probation has two important implications: (1) the individual is given a chance to show his or her capability and willingness to observe the Student Code of Conduct without further penalty; and (2) if he or she violates the code again, additional sanctions will be imposed.

Restrictive Probation: Restrictive Probation results in loss of good standing and notation of this is made in the individual's record. Restrictive conditions may limit activity in the College community. Generally, the individual will not be eligible for initiation into any local or national organization and may not 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, publication, or activity. Any violation of Restrictive Probation may result in immediate suspension.

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 within a student organization.

Suspension: Exclusion from class(es), and/or all other privileges or activities of the College for a specified time. This sanction is reserved for those offenses warranting discipline more severe than probation or for repeated misconduct. Students who receive this sanction must apply for readmission before returning to campus. Suspended students are liable for all tuition and fees.

Expulsion: Dismissing a student from campus for an indefinite period. The student loses his or her student status. The student may be readmitted to the College only with the approval of the College's President. Expelled students are liable for all tuition and fees.

Group General Probation: This is given to a College club or other organized group for a specified period. If group violations are repeated during the term of the probation, the charter may be revoked or activities restricted.

Group Restrictive Probation: Removing College recognition during the semester in which the offense occurred or for a longer period. 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.

Group Charter Revocation: Removal of College recognition for a group, club, society, or other organization. Recharter after that time must be approved by the President or his or her designee.

Appealing Disciplinary Decisions

Students are entitled to a fair review of disciplinary decisions made by the Conduct Officer. Appeals must be issued in writing within ten workdays of notification of sanctions to the Vice President, Student Services and Enrollment Management for conduct violations or to the Vice President, Academic Programs and Services for academic dishonesty violations. Appeals may be made based on violations of due process procedure, new evidence or a lack of substantial evidence to support the original decision, or inappropriate sanctions. Written appeals shall identify:

- the name of the student,
- the date of the appeal,
- a concise statement of the nature of the discipline issued
- the disciplinary decision, and
- basis for the appeal.

After receiving the written appeal, the appropriate administrator will schedule a meeting with the student to discuss the appeal. The administrator will investigate the matter to determine if the student was granted proper due process, if the available evidence supports the disciplinary decision, and if the sanctions imposed are appropriate for the conduct violation. The administrator's decision is final and shall be made in writing within five workdays after meeting with the student or, in the absence of a meeting, after the designated date for receiving all information for consideration.

Student Grievance Process

Student Grievance Policy and Procedure

The grievance process is used when the Issues Resolution Process has not brought about a satisfactory conclusion to a concern about a policy or procedure the student believes is fundamentally unfair. In addition, complaints of discrimination can be resolved through the grievance process if they cannot be addressed through the Issues Resolution Process. It is intended that the grievance procedures provide a problem-solving atmosphere which emphasizes "resolution" and reflects the best interests of the grievant and the College.

Definitions

Student: A student is defined as any person applying to the College or currently enrolled in any course at any campus location and/or on-line, including high school students applying to DCCC programs or currently enrolled in DCCC coursework at any campus location and/or on-line.

Grievance: A grievance is defined as a complaint or dispute of a student regarding the college with respect to the following:

- a. The interpretation and application of the policies and regulations of the College or the North Carolina Community College System in areas such as grading, attendance, and instructional quality.

- b. Acts of reprisal as a result of utilization of the grievance procedure.
- c. Complaints of discrimination on the basis of the protected rights of race, color, creed, political affiliation, age, disability, national origin, or gender.
- d. Acts of malicious intent to violate the constitutional rights of individuals.

Student Grievance Process

It is assumed that most student concerns or complaints can be resolved informally through communication between the student and appropriate College personnel through the Issues Resolution Process. Recognizing that grievances should be raised and settled promptly, a grievance should be raised within fifteen (15) work days (a work day is defined as any day the College is in operation as specified in the College calendar) following the event giving rise to the grievance.

Level One

As a first step, the student should meet with the College employee with whom the student has a complaint or dispute. In a situation where the grievance does not concern a specific employee, the student should contact the College employee with administrative responsibility for the policy, procedure, or regulation. Every reasonable effort should be made to resolve the matter informally. Should that not be possible, the student should contact the College Grievance Officer for assistance with filing a formal complaint (Level Two). The College Grievance Officer serves to:

1. help provide information on the proper procedures associated with filing and resolving grievances,
2. help individuals identify specific issues involved in grievance complaints, and
3. assist in developing approaches, including written grievances, for individuals to pursue their grievances within the spirit and intent of the Student Grievance Policy and Procedure.

Level Two

If the grievance cannot be resolved through the process discussed in Level One, the student, should contact the College Grievance Officer for assistance with filing a written grievance. The written grievance must be submitted to the College employee's vice president, Vice President, or executive director within 10 work days following the meeting with College employee. The written grievance shall identify:

- a. the name of the aggrieved student,
- b. the name and position of the party or parties against whom the grievance is filed,
- c. the date of filing,
- d. a concise statement of the nature of the grievance,
- e. the stated rule, policy, procedure, or regulation which the College has allegedly misapplied or misinterpreted,
- f. how it was misapplied or misinterpreted, and
- g. the specific redress being sought by the student.

After receiving the written grievance, the appropriate administrator will schedule a hearing with the student and the College employee. The student and College employee may each, if they choose, be accompanied at the meeting by legal

counsel. The administrator may be assisted at the meeting by someone designated by the President, including the College attorney. At the hearing, the student will be allowed to make a statement regarding his or her grievance, ask questions of the College employee, and present any documentary evidence he or she wishes, including signed written statements from other parties. The College employee, likewise, will be allowed to make a statement regarding the grievance, ask questions of the student, and present any documentary evidence he or she wishes, including signed written statements from other parties. The student and College employee may present evidence through witness testimony. The hearing may be adjourned and rescheduled at the discretion of the administrator, and the administrator reserves the right to set limitations as to the length of the hearing. Within ten workdays of the hearing, the administrator will provide a written decision on the grievance to the student and the College employee. Whenever the College employee is a vice president, Vice President, or executive director, the President will designate some other member of the administration to receive and hear the Level Two grievance. All documents considered at the hearing, along with a taped recording of the hearing shall constitute the record of the Level Two grievance.

Level Three

If the student is not satisfied with the decision of the Vice President at Level Two, the student may appeal that decision for review by the President. The appeal shall be in writing and delivered to the President within five (5) workdays of the grievant's receipt of the administrator's written decision from Level Two. The appeal shall include the written grievance described in Level Two, the administrator's written decision, and a concise explanation of the basis of the appeal. The President's review shall be on the basis of written materials provided by the student and the administrator who presided at Level Two. The President, in his or her discretion, shall set a date by which all written materials must be submitted. Each party shall have an opportunity to review materials submitted by the other party and to submit comments in writing for purposes of illuminating or clarifying information contained in the record from Level Two. The President, at his or her discretion, may request both parties to resent oral statements, or may request additional written information from either or both parties. The President's decision is final and shall be made in writing within 15 workdays after the hearing or, in the absence of a hearing, after the designated date for receiving all information for consideration at Level Three.

General Provisions

Time Periods and Limitations

Reasonable efforts shall be made by all parties to expedite the grievance process. A time limitation specified for either party may be extended by mutual agreement. If there is no mutual written agreement to extend the time limits, and if a decision at one level is not appealed by the student to the next level of the procedure within the time limits specified, the right of the student to further appeal is terminated.