

**Thomas Nelson Community College
Sexual Harassment Student Policy and Procedure**

I Purpose:

The purpose of the sexual harassment policy is to provide Thomas Nelson Community College students with a method for addressing complaints of sexual harassment and to communicate the intent of the College to create a campus free of such behavior.

II Policy:

Thomas Nelson Community College shall provide an educational environment free of sexual harassment. Sexual harassment will not be tolerated by any employee, student, group of employees or group of students. Substantiated evidence of sexual harassment may result in the offender receiving disciplinary action that may include dismissal or expulsion.

Sexual Harassment, a form of sex discrimination is prohibited by Title IX of the Education Amendment of 1972 and Title VII of the 1964 Civil Rights Act. Per § 6.5.6.2 of the VCCS Policy Manual:

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature which is intimidating, hostile, or offensive. Sexual harassment shall be considered to have occurred when:
 - 1. Accepting or tolerating such conduct is made a term or condition of a student's status or an individual's employment either explicitly or implicitly;
 - 2. Accepting or rejecting such conduct is used as the basis for academic or employment decisions affecting the student or employee; or
 - 3. Such conduct creates an intimidating, hostile, or offensive working or learning environment, or substantially interferes with an employee's work performance or a student's academic performance.

III Procedure:

Filing a complaint

Any student or group of students that believe they have been subjected to sexual harassment should immediately seek redress through informal or formal resolution. Students should report if possible within 60 days of the alleged act. Students choosing informal resolution do not preclude their ability to seek formal resolution nor is it a step in the formal resolution process. Students will not be subjected to retaliatory behavior by members of the College community as a result of filing a sexual harassment complaint. Anyone found participating in retaliatory behavior toward a sexual harassment

complainant may face disciplinary action. Retaliatory behavior is defined Per § 2.30 of the VA DHRM Policy and Procedures Manual:

Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Informal Resolution Procedure:

Students who believe that they have been subjected to sexual harassment as defined in Section II above and would like an informal resolution should bring a complaint within 60 days, if possible, of the alleged act to any TNCC Counselor, Dean of Student Development, the Thomas Nelson Community College Affirmative Action/Compliance Officer, or the Vice President for Academic Affairs for cases involving instructional personnel or to the Vice President for Student Affairs for all other cases.

Students attending courses at the Historic Triangle Campus may also report sexual harassment to the Provost.

Students attending off-site contracted courses may also report sexual harassment to the appropriate employer representative. In those cases, the complaint would be investigated by both agencies that would follow the protocol and procedure set for each institution.

The student complaint should be immediately reported to the Vice President for Academic Affairs or the Vice President for Student Affairs or the Thomas Nelson Community College Affirmative Action/Compliance Officer or their designee for investigation.

The Vice President or Thomas Nelson Community College Affirmative Action/Compliance Officer, or other investigator will upon receipt of the complaint:

1. Inform the complainant of the formal process, and
2. With permission of the complainant, attempt to resolve the conflict informally by
 - a. informing the accused that a complaint has been filed against him or her for sexual harassment;
 - b. investigating the facts of the complaint; and
 - c. and if both parties desire it, arrange a meeting in an attempt to resolve the matter.
3. Inform all persons associated with the complaint whether complainant, accused or witness to keep all information about the complaint confidential to the extent permitted by law. Persons found violating confidentiality rights of any person associated with the complaint may be subject to disciplinary action. The Vice President or Thomas Nelson Community College Affirmative Action/Compliance Officer or other investigator will seek to keep all information pertaining to the complaint confidential.
4. Assist the complainant in filing a formal complaint if the attempt to resolve the matter through informal resolution is unsuccessful or if the complainant believes the informal resolution is undesirable.
5. Investigate the complaint, which will include speaking with the accused to get his or her response and defense of the allegations.

6. Inform the accused that if the Vice President or Thomas Nelson Community College Affirmative Action/Compliance Officer or other investigator finds that the complaint has merit, then appropriate disciplinary action will be taken; and that in the case of informal resolution, if the accused disagrees with the outcome of the informal resolution then he or she may use the State Employee Grievance Procedure, if an employee, or may appeal to have a hearing before a Discipline Committee, if a student.

Records of Informal Complaints:

All sexual harassment records and proceedings shall be kept confidential to the extent permitted by law. All written records should be submitted to the Vice President for Student Affairs and the Thomas Nelson Community College Affirmative Action/Compliance Officer if a College employee is the accused.

Formal Resolution Procedure:

Students who believe they have been subjected to sexual harassment and would like a formal resolution should bring a complaint to:

The Vice President for Student Affairs, if the accused is another student;

The Vice President for Academic Affairs and the Affirmative Action/Compliance Officer, if the accused is an instructional employee;

The Vice President for Student Affairs and the Affirmative Action/Compliance Officer, if the accused is a Thomas Nelson Community College employee that is not an instructional employee;

The Dean of Student Development; or

Any TNCC Counselor.

Students attending courses at the Historic Triangle Campus may also report sexual harassment to the Provost.

Students attending off-site contracted courses may also report sexual harassment to the appropriate employer representative. In those cases, the complaint would be investigated by both agencies that would follow the protocol and procedure set for each institution.

The Formal Complaint Guidelines

The complainant should submit a formal complaint to the appropriate Vice President within 60 days, if possible, of the alleged act that meets the following guidelines:

1. It must be written.
2. It must state in detail the nature of the complaint.
3. It must list all pertinent date(s) and if appropriate, time(s) of the alleged offense(s)
4. If applicable, it must list any witnesses and if available, witness contact information.

The Vice President and in appropriate cases the Affirmative Action/Compliance Officer must initiate an investigation within ten work days of receiving the complaint to determine if the College has reasonable cause to continue taking action. If the incident involves potential criminal misconduct, then

the investigation will be turned over to the TNCC Campus Police Department. The investigator should interview the complainant, accused and any witnesses during this time period.

The Vice President and in appropriate cases the Affirmative Action/Compliance Officer must file a written report to the complainant and accused within 30 work days of receiving the complaint that outlines the College's decision in this case. The decision can conclude that:

1. There is no merit to the complaint and that no further action in the case is warranted.
2. Mediation and negotiation is a suggested resolution.
3. An outline of appropriate disciplinary action will be implemented against the accused.

If Action 3 is initiated, then eligible employees may use the State Employee Grievance Procedure and students may appeal to have a hearing before a Discipline Committee, if they disagree with the determination.

If a student initiates a hearing before the Discipline Committee, then the Discipline Committee must be appointed within 15 days of the recommendation by the Vice President for Student Affairs. The Discipline Committee must hear the case within 15 days of its appointment. The Committee will determine whether:

1. To overrule the investigator's determination
2. If a college policy or procedure has been violated.

The Committee will submit its decision and any disciplinary recommendations to the Vice President for Student Affairs within five days of the hearing. The Vice President for Student Affairs will notify the accused of the Discipline Committee decision within ten days of the hearing. The Vice President for Student Affairs will notify the complainant that a determination has been rendered by the Discipline Committee within ten days of the hearing. The decision can be appealed to the President by the complainant or accused within ten days of the Vice President's dated notification letter. The President will render a final decision to the accused, the Vice President for Student Affairs, and the Chairman of the Discipline Committee, within 10 days of the recipient of the appeal. This decision will remain final. The President will notify the complainant that a decision has been determined within 10 days of the recipients appeal.

If the Discipline Committee has determined that a student has violated college policy or procedure, then the President shall direct the Vice President for Student Affairs to impose the appropriate authorized disciplinary penalty for the violation.

Emergency Formal Resolution Procedure

Some situations may be deemed as an emergency by the Vice President and Affirmative Action/Compliance Officer. These situations would allow the College to temporarily reassign the accused or reassign the complainant, if he or she requests reassignment pending the outcome of the case.

Confidentiality during Formal Resolution:

All persons associated with the complaint whether complainant, accused, witness, Panel Member, Committee Member, Vice President or Affirmative Action/Compliance Officer are required to keep all information about the complaint confidential to the extent permitted by law. Persons found

violating confidentiality rights of any person associated with the complaint may be subject to disciplinary action. The College will seek to keep all information pertaining to the complaint confidential.

Records of Formal Complaints:

All sexual harassment records and proceedings shall be kept confidential to the extent permitted by law. All written student records will be kept in the Vice President for Student Affairs Office. Any dispositions of discipline will be placed in the student's permanent, educational record. All written employee records will be kept in Human Resources. Any memoranda or reprimand or disciplinary action will be placed in the employee's human resources record. A memorandum of a finding of non-harassment, nondiscriminatory behavior or inconclusive can be placed in the student's permanent educational record or the employee's human resources record, if appropriate and the accused requests the memorandum be generated.

IV Final Considerations:

Consenting romantic and sexual relationships between faculty and students while not expressly forbidden, are generally deemed very unwise and are not encouraged. A faculty member who enters into a sexual relationship with a student must realize that if a charge of sexual harassment is subsequently lodged, it may be exceedingly difficult to prove a defense on grounds of mutual consent. Voluntary consent by the student in such a relationship may be suspect, given the fundamentally asymmetric nature of the relationship.

TNCC Student Behavior Policy and Procedure

Student Behavior Expectations

All students and employees are entitled to a safe environment conducive to learning. Each individual student is considered a responsible adult and is expected as such to maintain standards of conduct that are appropriate to membership in the College community. Students of the College are expected to conduct themselves in an acceptable manner, both within the College and elsewhere. When student conduct tends to discredit or injure the College, the Chancellor (and through delegation, the College administration) is authorized by the State Board for Community Colleges to intervene and impose such penalties as deemed appropriate.

The Virginia Community College System guarantees to each student the privilege of exercising his or her rights of citizenship under the constitution of the United States without fear of prejudice. Special care is taken to assure due process and to spell out defined routes of appeal when a student feels his or her rights have been violated. Thomas Nelson Community College does this through its Student Code of Conduct and through its Student Grievance Procedure.

Disruptive Student Behavior

Disruptive student behavior is student behavior that disrupts or interferes with the educational mission of the College. Disruptive behavior interferes with a College member's ability to perform his or her duties in a classroom, office, any on-campus venue or open space, or off-campus school sponsored activity, event or course, or behavior that interferes with students' right to learn in an academic environment free of distraction. Thomas Nelson Community College will not tolerate disruptive behaviors. Specific examples of disruptive behaviors include but are not limited to:

- Persistent personal conversations with other class members that interferes with the instructor's teaching or other student's participation in the class,
- Eating in class,
- Failing to respect the rights of other students to express their viewpoints,
- Talking when the instructor or others are speaking,
- Constant questions or interruptions which interfere with the instructor's presentation,
- Being overly inattentiveness (e.g., sleeping or reading the paper in class),
- Creating excessive noise with papers, book bags, etc.,
- Entering class late or leaving early,
- Use of pagers or cell phones in the classroom,
- Inordinate or inappropriate demands for time and attention, or
- Poor personal hygiene (e.g., noticeably offensive body odor).

Student Code of Conduct

The College reserves 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 will be taken to restore and protect the orderliness of the Thomas Nelson Community College community.

This code contains procedures for dealing with alleged student violators of college standards of conduct to which students must adhere and the penalties that may be imposed for the violation of those standards. It also contains descriptions of the standards of conduct to which students must adhere and the penalties, which may be imposed for the violation of those standards.

I. Violations

A student who commits one of the following violations on campus or any other instructional site or activity or event will be subject to disciplinary action:

- Use, possession, or distribution of narcotics or hallucinatory drugs or controlled substances of any nature
- Unauthorized use or consumption of alcohol
- Alteration or falsification of official College records
- Failure to pay a debt owed the College or presentation of a check with intent to defraud
- Possession on one's person or in one's automobile of illegal or dangerous weapons (e.g., knives, guns, etc.)
- Gambling of any nature on College property or during College activities unless officially authorized by the College, (i.e., state lottery)
- Any form of hazing (subjection of another to any embarrassment, ridicule, or physical, psychological or abusive act or harassment)
- Failure to comply with the college regulations/guidelines on student expression and demonstration. (Applicants may contact the Vice president for Student Affairs.)
- Fighting, obscene conduct, public profanity, or disruptive behavior

- Damaging, defacing, stealing, or destroying College property or property of a member of the College community or campus visitor
- Violation of College policies or regulations governing parking, registration of student organizations, or use of College facilities
- Failure to comply with lawful directions of campus officials including instructors, acting in performance of their duties
- Commitment of any act which constitutes a felony under federal or state law

II. Disciplinary Proceedings

Classroom Disruptive Behavior:

Inappropriate classroom behavior impacts the learning process of students. The instructor is responsible for maintaining an environment conducive for student learning as an official College representative. If the instructor feels that the behavior of one or more students is disruptive to the class, the instructor is expected to intervene with an appropriate level of authority in order to restore a conducive learning environment. Responses might range from a simple request for the class to settle down to a summoning of police to escort an individual from the classroom. When the disruption is sufficient so as to impair reestablishing a conducive classroom atmosphere, the instructor may exercise the option to cancel the remainder of the class meeting. The student has the right to return the next class period unless the instructor refers the incident to the Dean. Instructors are not authorized to ban students from the classroom.

When an instructor feels that it is necessary for a student to leave the classroom because of disruptive behavior, then the instructor should direct the student to do so. The instructor has the authority to request that the student leave for that day's activity. If the student refuses to leave voluntarily, then the instructor can request the student receive a police escort. If the disruption requires that police be summoned, then the instructor will complete the Thomas Nelson Community College Incident Form to document the incident.

If the instructor feels the disruption requires further disciplinary action taken by the Dean to discuss the inappropriate behavior, the faculty member will document the incident and require that the student meet with the Academic Dean prior to allowing the student to return to class to discuss the inappropriate behavior.

The Academic Dean will meet with the student in a reasonable time period to discuss the complaint. The Dean will have received a written complaint from the instructor detailing any special concerns. After discussing the incident with the student, the Academic Dean may exercise several courses of action as a result of the meeting. The Academic Dean may:

- a. Authorize the student to return to the class.
- b. Hold an informal session with the instructor and the student to negotiate an agreement between the two.
- c. Shift the student to another section of the course, after discussing the change with the receiving instructor.
- d. Report the student incident to the Vice President for Student Affairs or designee.

If action four is selected, the Dean will immediately forward all written records and proceedings to the Vice President for Student Affairs. When the Vice President for Student Affairs receives information that a student has allegedly violated a rule, regulation, policy, or procedure, then the administrator will initiate the Vice President for Student Affairs Disciplinary Proceeding Procedure. The Vice President

for Student Affairs will contact the Vice President for Workforce Development in the case of Workforce Development courses.

Non-classroom Disruptive Behavior:

Inappropriate non-classroom behavior impacts College members' abilities to perform their duties of fulfilling the educational mission of the College. As an official College representative, the College member is responsible for maintaining an environment that fulfills the College mission. If the College member feels that the behavior of one or more students is disruptive to the office, activity, event or campus life in general, the College member is expected to intervene or report immediately to the appropriate person with an appropriate level of authority. Responses might range from a simple request for the individual or group to settle down to a summoning of campus police.

If the disruption requires that campus police be summoned, then the College member will complete the Thomas Nelson Community College Incident Form to document the incident. The form will be given to the Vice President for Student Affairs or designee. When the Vice President for Student Affairs or designee receives information that a student has allegedly violated a rule, regulation, policy, or procedure, then the administrator will initiate the Vice President for Student Affairs Disciplinary Proceeding Procedure. The Vice President for Student Affairs will contact the Vice President for Workforce Development in the case of Workforce Development course sites.

Scholastic Dishonesty

Officials of Thomas Nelson Community College certify successful completion of work for degrees, diplomas, and certificates when satisfied that the absolute integrity of the student has been maintained in the completion of such work. It is imperative that students maintain a high degree of individual honor in their scholastic endeavors. Scholastic dishonesty will not be condoned under any circumstances.

In the event that a student is suspected of violating the College's policy on scholastic dishonesty, the faculty member directly involved will investigate the matter. If the faculty member believes the student has violated the policy, the faculty member will inform in writing his or her Academic Dean and the student of the evidence and the intended action. The action may involve a grade reduction for the work in question, the assignment of a failing grade for the course, and /or a recommendation for possible dismissal from the College. If the faculty member recommends that the student should be dismissed from the College, then the Academic Dean must contact the Vice President for Academic Affairs and the Vice President for Student Affairs.

The Dean will immediately forward all written records to the Vice President for Student Affairs or designee. When the Vice President for Student Affairs or designee receives information that a student has allegedly violated a rule, regulation, policy, or procedure, then the administrator will initiate the Vice President for Student Affairs Disciplinary Proceeding Procedure. The Vice President for Student Affairs will contact the Vice President for Workforce Development in the case of Workforce Development courses.

If a student disputes the final course grade, then the student may follow the Final Grade Appeal Process.

Vice President for Student Affairs Disciplinary Proceeding Procedure

Section One: Investigation

- A. When the Vice President for Student Affairs receives information that a student has allegedly violated a rule, regulation, policy, or procedure, he or his designee shall investigate the alleged violation. After completing the preliminary investigation the dean or designee may:
 - 1. Dismiss the allegation as unfounded.
 - 2. Determine the severity and nature of the problem.
 - 3. Summon the student for a conference to evaluate the severity and the dispensation of the allegation and
 - a) Proceed administratively if it is determined that the alleged violation is of a nature that the facts are not in dispute and can be handled by the dean or designee;
 - b) Proceed administratively if it is determined that the facts of the alleged violation are in dispute and must be further probed by the dean or designee; or
 - c) Prepare a formal complaint based on the allegation for use in disciplinary hearings along with a list of witnesses and documentary evidence supporting the allegations.
- B. The President for the College, Vice President for Student Affairs, or designated representative may take immediate interim actions, suspend the right of a student to be present on the campus and to attend classes, or otherwise alter the status of a student for violation of rules, regulations, policies, or procedures when the student is a clear or present danger to himself or herself or others. The President shall afford the affected student an informal opportunity to discuss, prior to a formal hearing, possible extenuating circumstances.

Section Two: Summoning Students

- A. A student may be summoned to appear in connection with an alleged violation by the Vice President or designee calling the student at the phone number listed in the student's permanent TNCC record or by sending a certified letter addressed to the student at his or her address as it appears in the student's permanent TNCC record.
- B. The summons shall direct the student to appear at a specified time and place not less than three class days after the time of the call or date of the letter. The summons shall describe briefly the alleged violation.
- C. The Vice President for Student Affairs or Committee Chair may, for good cause, postpone the hearing so long as all interested parties are notified of the new hearing date, time and place.
- D. The Vice President or designee may place on disciplinary probation a student who fails without good cause to comply with a summons, or the Vice President or designee may proceed against the student under Sections Three and Four.

Section Three: Administrative Disposition of a Non-Disputed Violation

- A. When the accused does not dispute the facts, the Vice President or designee may administratively dispose of any violation.
- B. In administratively disposing of a violation, the Vice President or designee may impose any disciplinary action authorized by Section Ten.

- C. At a conference with a student in connection with an alleged violation, the Vice President or designee shall advise the student of the charges against the student and of the process available for the student to respond to the charges.
- D. The Vice President for Student Affairs or designee, will prepare a written summary of each administrative disposition of a violation and forward a copy to the student, to the parents or guardian of an unmarried student who is under 18 years of age, and to other appropriate administrative personnel. (Discretion sometimes might call for modification of this listing, for example, emancipated minors.) The student shall sign a statement that he or she understands the nature of the charges and voluntarily waives his or her right to a hearing and the right to an appeal.
- E. A student may refuse administrative disposition of an alleged undisputed violation, and on refusal, is entitled to a hearing under Sections Five through Seven. If a student accepts administrative disposition, he or she understands the nature of the charges and that he or she is voluntarily waiving the right to a hearing and the right to appeal.

Section Four: Administrative Disposition of a Disputed Violation

- A. At a conference with a student in connection with an alleged violation, the Vice President or designee shall advise the student of the disciplinary procedures to be followed in disposing of the matter.
- B. The Vice President for Student Affairs or designee may administratively dispose of any violation if it is in the best interest of the College and the student concerned voluntarily consents in writing to administrative disposition.
- C. In administratively disposing of a violation, the Vice President or designee may impose any disciplinary action authorized under Section Ten.
- D. If a student accepts administrative disposition of the alleged violation, the student shall sign a statement that he or she understands the violation charges, the right to a hearing, the penalty imposed, and voluntarily waives the right to appeal.
- E. A student may refuse administrative disposition of the alleged violation and, on refusal, is entitled to due process under Sections Five through Seven.
- F. The Vice President for Student Affairs shall prepare a written summary of each administrative disposition of a violation and forward a copy to the student and to the parents or guardian of an unmarried student who is under 18 years of age (with the exception of emancipated minors), and to appropriate administrative personnel.

III. Hearing Section Five: Discipline Committee

- A. When a student refuses administrative disposition of a violation, he or she is entitled to due process, including a hearing before a Discipline Committee. The student must submit a written request for a hearing to the Vice President for Student Affairs on or before the seventh work day following the administrative disposition under Sections Three and Four. For purposes of this code, Saturdays and Sundays are not defined as work days.
- B. The Discipline Committee shall be selected by the Vice President or designee within 15 days of the hearing request. The Committee shall consist of two faculty-ranked personnel, one classified staff person, and two students who have volunteered to serve on the committee. The list of interested persons names for the committee may be developed at the beginning of each academic year and may be in effect for the duration of that year. The student requesting a hearing may, if he or she feels one of the selected committee members will not fairly judge the merits of the alleged violation, request another person from the list in that same category.
- C. The Discipline Committee must hear the case within 15 days of their being selected.

- D. The Discipline Committee shall elect a Chairperson. The Chairperson of the Committee shall rule on the admissibility of evidence and objections to procedure; however, a majority of the Committee members may override the Chairperson's ruling. All members of the Committee are eligible to vote in the hearing.
- E. The Vice President or designee shall represent the College before the Discipline Committee and present evidence to support any allegations of violations of board rules, college regulations, and/or administrative rules.

Section Six: Notice

- A. The Chairperson of the Discipline Committee shall set the date, time, and place for the hearing, and the Vice President for Student Affairs Office will notify the student by certified letter of the date, time, and place of the hearing. This notice shall be sent within five work days of the receipt of the student's request for a hearing. (See Section Six, D, for the content of the notice.)
- B. The Vice President for Student Affairs or Committee Chair may, for good cause, postpone the hearing so long as all interested parties are notified of the new hearing date, time, and place.
- C. The Discipline Committee may hold the hearing in absentia if the student has received actual notice of the date, time, and place of the hearing and fails to appear at the hearing.
- D. The notice under A. above shall:
 - 1. Specify the charge or charges being made.
 - 2. Be accompanied by a statement of the complaint which will include the identity of the person making the allegation.
 - 3. Direct the student to appear before the Committee on the date and at the time and place specified.
 - 4. Advise a minor student of the right to have his or her parents or legal guardian present at the hearing.
 - 5. Advise a student of the right to have an advisor present to provide advice to the student; however, any advisor or legal counsel may not participate directly in the proceedings.

Section Seven: Procedure

- A. The College may be represented by staff members of the Office of the Vice President for Student Affairs or other persons designated by the President for the College. The Chairperson shall provide reasonable opportunities for witnesses to be heard. The student may request from the Office of the Vice President for Student Affairs a copy of all documentation to be used against him or her no later than three days prior to the hearing date.
- B. The Committee shall proceed generally as follows during the hearing:
 - 1. The Vice President for Student Affairs or designee reads the complaint.
 - 2. The Vice President for Student Affairs or designee presents the college's case. Any person giving testimony may be questioned by the student.
 - 3. The student presents his or her defense. Any person giving testimony may also be questioned by the Vice President for Student Affairs or designee.
 - 4. The Vice President for Student Affairs or his/her designee and the student may present rebuttal evidence and argument.
 - 5. The Committee shall presume a student innocent of the alleged violation until the facts and information presented support a decision to the contrary. A student will be

found in violation when the facts and information indicate that the student has more likely than not violated this Code of Conduct.

6. All evidence shall be offered to the Committee during the hearing and made part of the hearing record.
7. A student may not be compelled to testify against himself/herself.
8. Committee members may freely question witnesses at any time.
9. The Committee will vote the issue of whether or not there has been a violation of this Code of Conduct. If the Committee finds the student has violated this Code of Conduct, the Committee will recommend an appropriate penalty as stated in Section Ten.
10. The Committee will submit the decision and any disciplinary recommendations to the Vice President for Student Affairs within five days of the hearing. The Committee shall state in writing each finding of a violation and the penalty recommended. The decision of a simple majority of the members of the Committee shall be submitted as the final decision of the Committee. Those members of the Committee concurring with the findings and recommendation shall sign the statement and forward it to the Vice President for Student Affairs or designee. A minority report may be submitted by those Committee members who do not agree.
11. The Vice President for Student Affairs or designee shall inform the student of the Committee's decision and decide on a penalty, if appropriate, with the findings and recommendation within ten days.

- C. Legal rules of evidence do not apply to hearings before the Discipline Committee. The Committee may admit any pertinent information and may exclude irrelevant, immaterial and unduly repetitious evidence.

Section Eight: Record

- A. The hearing record shall include:
 1. A copy of the notice required under Section Six.
 2. All documentary and other evidence offered or admitted as evidence.
 3. Written motions, pleas, and any other materials considered by the Committee.
 4. The Committee's finding.
- B. The hearing record will be forwarded to the Office of the Vice President for Student Affairs where it will be securely maintained.

IV. Appeal

Section Nine: Petition for Administrative Review

- A. A student is entitled to appeal to the President for the College within ten days of the Vice President's dated notification letter. The President will render a final decision to the complainant, grievant, Vice President for Student Affairs, and the Chairman of the Grievance Panel, within 10 work days of the recipient of the appeal. This decision will remain final. If a notice of appeal is given, the Vice President for Student Affairs or designee shall send the record to the President on or before the 3rd work day after notice is given.
- B. The President for the College shall automatically review every penalty of expulsion.
- C. A petition for appeal shall contain the information required by Section Five. The student retains the rights described in Sections Five and Seven.

- D. The student has the right to review the hearing record in the Office of the Vice President for Student Affairs prior to the day of the appeal.
- E. The President shall take such action as determined to be appropriate at any time during the process.

V. Penalties

Section Ten: Authorized Disciplinary Penalties

- A. The Discipline Committee may recommend and the Vice President for Student Affairs, under Sections Three and Four, will determine and impose one or more of the following penalties for violation of this Code of Conduct.
 - Admonition
 - Warning probation
 - Disciplinary probation
 - Withholding of transcript or degree
 - Bar against re-admission
 - Restitution
 - Suspension of privileges
 - Suspension of eligibility for official co-curricular activities
 - Denial of degree
 - Suspension from the College
 - Expulsion from the College
- B. The following operational definitions apply to the penalties provided in Section Ten.
 1. *Admonition*: A written reprimand from the Vice President for Academic and Student Affairs to the student on whom it is imposed.
 2. *Warning Probation*: Indicates that further violations of regulations will result in more severe disciplinary action. Warning probation may be imposed for any length of time up to one calendar year, and the student shall be automatically removed from probation when the imposed period expires.
 3. *Disciplinary Probation*: Indicates that further violations may result in suspension.
 4. *Withholding of Transcript or Degree*: Imposed upon a student who fails to pay a debt owed the College or who has a disciplinary case pending final disposition unless the student has filed for bankruptcy and proves undue hardship in paying tuition. The penalty terminates on payment of the debt or final disposition of the case.
 5. *Bar Against Re-admission*: Imposed on a student who has left the College on enforced withdrawal for disciplinary reasons.
 6. *Restitution*: Reimbursement for damage to or misappropriation of funds or property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
 7. *Suspension of Privileges*: A penalty which may impose limitations or restrictions to fit the particular case.
 8. *Suspension of Eligibility for Official Co-Curricular Activities*: Prohibits, during the period of suspension, the student on whom it is imposed, from joining a registered student organization; from taking part in a registered student organization's activities or attending its meetings or functions; and from participating in an official co-curricular activity. Such suspension may be for any length of time up to one calendar year.
 9. *Denial of Degree*: May be imposed on a student found guilty of scholastic dishonesty and may be imposed for any length of time up to and including permanent denial.
 10. *Suspension from the College*: Prohibits, during the period of suspension, the student on whom it is imposed from being initiated into an honorary or service organization;

from entering the College campus except in response to an official summons; and from registering either for credit or for noncredit courses or other scholastic work through the College.

11. *Expulsion*: Permanent severance from the College.