

# Student Rights, Regulations & Responsibilities

College students are considered to be mature individuals. Their conduct, both on and off campus, is expected to be that of responsible adults in public places. Common courtesy and cooperation are the basic rules for conduct at the college. Students are required to know and follow the college regulations listed below.

## Academic Integrity

1. Each student is held responsible for information published in the College of The Albemarle Academic Catalog, Student Handbook, and announcements placed on student bulletin boards.
2. Cheating and plagiarism are those processes of utilizing as one's own, another's work, words, or ideas. Those processes are not the mark of a competent college student; students who cheat or plagiarize are subject to disciplinary action by the college. (see page 29.)
3. College of The Albemarle honors the right of free discussion and expression. That these rights are a part of the fabric of this institution is not questioned. It is equally clear, however, that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the rights of others cannot be tolerated. Accordingly, it shall be the policy of the college to deal with such disruption, destruction, or interference promptly and effectively but also fairly and impartially without regard to race, religion, gender, and political beliefs. Students interested in information concerning campus demonstrations are required to consult with the Vice President, Student Development; the Dean, Dare County Campus; or the Dean, Edenton-Chowan Campus.

## Courtesy/Social Behavior

4. Dress Code (see page 30.)
5. Without the prior approval of an instructor, the use of cell phones, pagers, portable audio/video players, or other similar equipment by students in classrooms and labs is prohibited. Students may not use such equipment in common areas in a manner that disturbs others.
6. Admittance to all social events will be by student identification cards.
7. No outside guests, other than a student's date, are allowed at college social events.
8. General misconduct by students and/or their guests at college functions will subject students to disciplinary action by the Student Disciplinary Committee.
9. Students will be expected to make use of the disposal containers in the halls, Student Center, shops, classrooms, and on student grounds.
10. College of The Albemarle is a smoke/tobacco free campus. This applies to all campus and center locations - including the Owens Center/YMCA, all boardwalks, inside or outside buildings, on campus grounds including parked cars and parking lots. On college locations where the facility is in a public area (shopping center), the area immediately in front of the doors is considered smoke free.

## Safety/Legal Concepts

11. Any and all actions or materials prohibited by federal, state, and city/county laws are also prohibited on the college

campus. Students who do not abide by these laws are subject to disciplinary and/or legal action. The college is not bound by the outcomes of any other judicial process and will proceed according to its own disciplinary procedures.

12. The use of skateboards, roller blades, or other similar devices on the campus is prohibited.
13. Students who negligently lose, damage, destroy, sell, or otherwise dispose of college property placed in their possession or entrusted to them will be charged for the full extent of the damage or loss and be subject to disciplinary action.
14. Students who engage in such acts as stealing, cheating, gambling, using profane language, engaging in personal combat, and possessing firearms or dangerous weapons on college property are subject to disciplinary action.
15. No student or visitor shall possess or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14284.1, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any college building, or vehicle or other property owned, used, or operated by the college. Currently employed law enforcement officers are not subject to this rule.

## Respect for Normal Operation

16. Any student who, with the intent to obstruct or disrupt any normal operation or function of the college or any of its components, engages or invites others to engage in individual or collective conduct which destroys or significantly damages any college property; which impairs or threatens impairment of the physical well-being of any member of the college community; or which because of its violent, forceful, threatening, or intimidating nature or because it restrains freedom of lawful movement or otherwise prevents members of the college community from conducting their normal activities within the college, shall be subject to prompt and appropriate disciplinary action which may include suspension, dismissal, and/or legal actions from the college.

The following, while not intended to be inclusive, illustrate offenses which are regarded as obstructive and disruptive:

- a. Behavior that disrupts any normal operation of the college;
- b. Use of profanity or other offensive language verbally or in writing;
- c. Occupation of any college building or part thereof with intent to deprive others of its normal use;
- d. Blocking the entrance or exit of any college building or room therein with intent to deprive others of lawful access to or from, or use of, said building or corridor or room;
- e. Setting fire to or by any other means destroying or substantially damaging premises;
- f. Any possession or display of or attempt to threaten to use, for any unlawful purpose, any weapon, dangerous instru-

ment, explosive, or inflammable material in any college building or on any college campus;

- g. Prevention of, or attempt to prevent by physical act, the attending, convening, continuation, or orderly conduct of any college class or activity or of any lawful meeting or assembly in any college building; and
- h. Blocking normal pedestrian or vehicular traffic on or into any college campus.

## Plagiarism and Cheating

Students attending College of The Albemarle are expected to adhere to the highest ethical standards of college students. Students who are found to have engaged in plagiarism and/or cheating will be subject to disciplinary action up to and including expulsion from College of The Albemarle, and in appropriate cases, criminal prosecution. There is no “statute of limitations” on violations of the cheating portion of this policy meaning that students may be subject to disciplinary action at anytime that the cheating is discovered, even after graduation in appropriate cases.

Plagiarism includes, but is not limited to, use of a work or a source, published or unpublished, of another without giving proper credit to the original author in a work submitted by a student in any college sponsored class, lab, or examination, either orally or in writing.

The term “work” includes research, strategies, or ideas. It applies to the spoken word whether recorded or live as well as written works, music, computer codes, art, and any other creative ideas or expression.

“Source” includes, but is not limited to, published works such as newspapers, textbooks, or web sites and unpublished sources such as lectures or interviews.

- a. Unintentional plagiarism normally occurs when a student is unfamiliar with proper documentation of sources or works or inadequately does so. While unintentional plagiarism does constitute a violation of this policy, it will normally be dealt with by the instructor through remedial instruction or other corrective action deemed appropriate by the instructor.
- b. Intentional plagiarism includes the deliberate taking of another’s ideas or works and presenting them as your own. This is the more serious form of plagiarism and will normally be dealt with through more severe sanctions.

Cheating includes, but is not limited to, the following:

- a. Intentional plagiarism;
- b. Submission of work that is not the student’s own for any paper, assignment, or examination;
- c. Submission of falsified data or sources;
- d. Theft, or the attempted theft, of any test or examination;
- e. Unauthorized access to any exam or test by any means or device;

- f. Use, or the attempted use, of a stand in or proxy for any assignment, test, or examination;
- g. Use of notes, textbooks, or other materials to include computer programs in preparation of any assignment, or during any test or examination without the instructor’s explicit approval;
- h. Supplying or receiving unauthorized information or assistance in preparation for an assignment, test or examination; or during a test or examination, whether written, verbal, through gestures or signals, or by the use of electronic communication devices;
- i. Copying any assignment, test, or examination without authorization from the instructor whether electronically or mechanically; this would include photographing with a digital camera or appropriately equipped cell phone or other electronic devices;
- j. Copying answers from another student’s assignment, test, or examination and submitting as your own;
- k. Collaboration in the preparation of an assignment unless specifically permitted by the instructor of the course for the particular assignment;
- l. Submitting the same work for credit in two or more classes without the permission of the instructors for any class subsequent to the first class the work was prepared for;
- m. Reproducing, either alone or with others, any test or examination after sitting for the test or examination without the express permission of the instructor;
- n. Any student who is aware of any cheating being committed by others in violation of this policy and does not report it to the instructor, program coordinator, department chair, division chair, or other administrative officer of the college may be subject to disciplinary action.

## Disciplinary Action

Disciplinary Action for any student found by an instructor to have engaged in any form of cheating will include, as a minimum, that the student receive a grade of “F” (0) for the assignment, test, or examination. The instructor may assign an “F” grade for the course at any time during a semester to a student found cheating in violation of this policy. The instructor may, after consulting with his/her supervisor, withdraw the student from the class in accordance with the procedures contained in this Academic Catalog under Student Disciplinary Procedure governing withdrawal from class. An incident report must be completed in all cases as described under Reporting Incidents. (See page 34).

This in no way prohibits the instructor or College of The Albemarle from imposing more severe sanctions in accordance with its policies and procedures for disciplining students.

The unauthorized use, or attempted use, of a communication device during an assignment, test, or examination shall create a presump-

tion that the student was at the time engaged in sending or receiving information in violation of this policy. The burden of showing that the use of the device was not in violation of this policy would then be the responsibility of the student.

The provisions of this policy shall apply to all courses/classes offered by the college regardless of the delivery method.

## Substance Abuse Policy

College of The Albemarle provides a safe and healthy environment for students to pursue academic excellence, technical and vocational training, career opportunities, and personal growth and development. Protecting this environment includes keeping it drug-free. College of The Albemarle may permit or request law enforcement personnel to conduct drug searches on College of The Albemarle property. Such searches may be performed on a random or periodic basis and may also be performed when administration or law enforcement officers have a reasonable suspicion that illegal drugs may be present on campus. All searches will be executed in compliance with and to the fullest extent allowed by state and federal laws. Some programs, such as nursing, have a more detailed substance abuse policy. If there is any suspicion of substance abuse, the student is required to have and pay for a drug screen.

Under no condition will intoxicating liquor (defined as any beverage containing as much as one-half of one percent of alcohol), narcotics, illicit drugs, hallucinogens, barbiturates, or amphetamines be permitted in or on college property. Off-campus college-sponsored events are subject to the requirements of state and federal laws (Chapter 18B of General Statutes of North Carolina, 21 CFR Part 1308 and other Federal Regulations). Students representing the college at off-campus events are required to know and follow the student rights and responsibilities printed in the current college catalog. No student organization or club shall purchase, give away, or sell any aforementioned intoxicating beverage or substance. Anyone known to be under the influence of any aforementioned substance is prohibited from the college property. In addition, the introduction, possession, sale, exchange, and/or use thereof is considered grounds for dismissal and possible legal action. Use of a drug authorized by a medical prescription from a registered physician shall not be considered a violation of this rule.

“Controlled substances” include any drug listed in 21 CFR Part 1308 and other federal regulations. Generally, these include, but are not limited to, heroin, marijuana, cocaine, PCP, and “crack.” They also include “legal drugs” which are not prescribed by a licensed physician.

Alcoholic beverages include beer, wine, whiskey, and any other beverage listed in Chapter 18B of the General Statute of North Carolina.

Any student convicted of violating any criminal drug statute while in the workplace (work-study), on the college premises, or while part of a college-sponsored activity will be subject to disciplinary action up to and including termination and dismissal. An alternative may include completion of an approved drug abuse or alcohol rehabilitation program as a precondition for continued employment or enrollment at the college.

Students must inform the college in writing within ten (10) working days of being convicted of a violation of any criminal drug statute or alcoholic beverage statute that occurred while on the college campus or while participating in college-sponsored activities.

If work-study students working under federal grant monies are convicted of violating drug laws in the workplace, on college premises or as part of a college-sponsored activity, they will be reported to the

appropriate federal agency. As a condition of further employment on any federal government grant, the law requires all employees to abide by this policy.

Students receiving a Federal Student Aid must abide by the Anti-Drug Abuse Act Certification printed on the Student Aid Report.

## Dress Code

The college expects all students to dress in a manner in keeping with the serious academic intent of the college and in a manner acceptable to the community. COA invites prospective employers and business leaders on campus throughout the academic year. Students should keep in mind that they may have an opportunity to meet their prospective employers, and first impressions are lasting impressions.

In light of these considerations, students are expected to use their own judgment in appropriate dress within the generally accepted bounds of good taste. Although the College does not intend to impose upon individual style or creativity, students are prohibited from wearing clothing that is sexually suggestive or revealing. Students are not permitted to dress in a manner which disrupts the educational process or environment. For campus security, students are not permitted to wear clothing or accessories which obscure, conceal, or distort the student’s identity, such as masks, hoods, disguises, etc.

While students may dress casually, they should present a clean and appropriate appearance at all times. Shirts and shoes are required at all times while the student is on campus or while attending a COA activity, function, or event off the COA campus. Caps and hats should not be worn in any classroom except in certain circumstances which may be approved by the faculty member in charge.

Students are expected to dress in a manner appropriate to their major area of study. Certain technical or vocational curricula, such as the allied health programs, may require special attire for clinical or laboratory areas. BLET students are required to wear uniforms at all times while in class. A student may not attend classes or laboratory work conducted in the clinical or laboratory areas if such student is in violation of the dress codes for such areas.

Students who fail to adhere to the above guidelines are not allowed in any campus facility and are subject to disciplinary action which may include suspension and/or expulsion.

## Student Disciplinary Procedures

Procedures for the handling of student disciplinary matters are listed below. Faculty and staff members are reminded that it is their first responsibility to take such actions as are necessary to avoid or eliminate disruptive, aggravating, difficult, or dangerous situations. Argumentative and threatening statements shall not be made. No action should be taken which is prejudicial to the rights of the student or which may restrict the course of action that may later be taken by the college.

### I. Reporting Incidents

A College of The Albemarle student who violates a college regulation or any other policy of College of The Albemarle as listed under Students Rights, Responsibilities, and Regulations in the college catalog and Policy and Procedure Manual is subject to disciplinary action. Any College of The Albemarle student, faculty, or administrator may submit a complaint against a student accused of infractions of rules applying to student behavior. The complaint should be written on an incident report form as soon as practical but no later than two college working days following the incident. Incident report forms

are available on COA's Groupwise Default Library, and from the Administrative Assistant, Student Development.

The incident report form must be submitted to the director or coordinator of the program in which the student is enrolled within two college working days of the incident. An incident not reported within two college working days may be investigated and disciplinary action taken with the permission of the appropriate Vice President or designee.

The incident report form must also be submitted to the following individuals or their designees:

**For all Basic Skills students:**

V.P. Business and Finance, Assoc. V.P. Basic Skills and Workforce Readiness, and Security.

**For all Continuing Ed. students:**

V.P. Business and Finance, V.P. Corporate and Continuing Education, and Security.

**For all Curriculum students:**

V.P. Business and Finance, V.P. Student Development, and Security.

For Dare County Campus students, a copy of the incident report form must also be submitted to the Dean, Dare County Campus.

For Edenton-Chowan Campus students, a copy of the incident report form must also be submitted to the Dean, Edenton-Chowan Campus.

On the Elizabeth City Campus, a duty counselor from the Student Development Division is assigned each day to investigate incidents involving curriculum students. The Administrative Assistant, Student Development, keeps a schedule of duty counselors.

The complainant shall submit an incident report form to include the name of the accused, the date and time of the incident, a specific description of the alleged behavior, witnesses to the incident, and the rules violated by the alleged behavior. The college official shall immediately schedule an appointment with the complainant. The college official will decide with the complainant if the complaint can be resolved by a discussion between the complainant, the accused, and the college official or whether the complaint should be forwarded to the Student Disciplinary Committee.

For complaints to be heard by the Student Disciplinary Committee, the complainant or the appropriate college official who received the complaint must notify in writing the Vice President who supervises the accused student's program, or designee, of the complaint and request that the Student Disciplinary Committee be convened to hear the charges.

## II. Sanctions

A. Reprimand: A COA student committing minor misconduct will be counseled and reprimanded by a college official. A copy of the incident report will be placed in a student discipline file to be kept in the following offices:

1. Office of the program director or coordinator of the program in which the student is enrolled;
2. Office of the Associate Vice President, Basic Skills and Workforce Readiness, for Basic Skills Students;
3. Office of the Vice President, Corporate and Continuing Education, for continuing education students;

4. Office of the Vice President, Student Development, for curriculum students; and

5. Security office

Also, a copy of the incident report will be given to the student as an official written notice that any subsequent offense against the Student Rights, Responsibilities, and Regulations policy will carry heavier penalties because of this prior infraction.

B. Conditional Status: A COA student who has received a reprimand and then violates a college regulation may be placed on conditional status. A student who violates a college regulation as listed under Students Rights, Responsibilities, and Regulations may be placed on conditional status without having previously received a reprimand. A faculty or staff member supervising the program and holding the title of director or program coordinator has authority to place a student on conditional status. Administrators supervising the director or program coordinator also have authority to place a student on conditional status.

A student placed on conditional status must be in a class or program in which he/she is currently enrolled in or studying in the library when on campus. He/she will be limited to one-half hour daily in the student center. Conditional status may include a restriction from an area or service a student has abused (e.g. computer access in the library) or from the college campus entirely. Conditional status may include other requirements such as specific academic, attendance, or behavioral standards.

The staff or faculty member placing the student on conditional status will notify the student in writing. Conditional status will remain in effect for no less than one month. Security guards will be notified of and will enforce the student's conditional status. The appropriate Vice President, Dean, Program Director, Program Coordinator or their designee shall be notified as well.

If any of the conditions of conditional status are violated, the student who is placed on conditional status will be subject to more severe sanctions up to and including dismissal.

C. Restitution: A student who damages, misuses, destroys, or loses college property will be required to pay for the replacement of such property. An incident report will be completed and the fair market value of the property will be calculated. Students with an outstanding monetary balance may be barred from continuing their education at College of The Albemarle and from receiving transcripts. Other disciplinary procedures and criminal charges may be applied in addition to restitution.

D. Withdrawal from Class or Program: Responsibility for classroom control and discipline rests with the instructor. Instructors are not expected to tolerate the continued presence of any student whose behavior adversely affects the progress of a class. An instructor who believes it is necessary to withdraw a student because of a serious violation of college policy or other behavior which adversely influences the educational process should report the incident to the immediate supervisor. If both the supervisor and the instructor decide that removal of the student from the class or program is necessary, the student will be informed and a withdrawal form will be completed and processed.

The student may appeal a withdrawal to the next administrative level. If the student appeals to the next administrative level and is denied admittance back into the class or program, the faculty or staff member making this decision shall inform the student of the Disciplinary Appeals Procedures. The incident shall be reported to the appropriate Vice President who supervises the class or program.

- E. Suspension: A COA student who commits an act of misconduct which threatens the health or well being of any member of the academic community or causes serious disruption at the college will be suspended from the college for no less than one semester. An incident report form shall be completed and submitted to the Vice President, Business and Finance; to Security; and to the appropriate Vice President, Associate Vice President, Program Director, Program Coordinator, and Dean supervising the program in which the student is enrolled.

The appropriate director, program coordinator, or one of his/her supervising administrators is responsible for investigating the incident and for implementing the suspension of a student from College of The Albemarle's program under his/her respective purview. The student shall be notified of the suspension in writing immediately. Written notice shall be presented in person or by mail, providing the student with a list of the charges, the rules that were violated, the suspension decision, and Disciplinary Appeals Procedures. A student may be notified by phone of his/her suspension but written notice must also be given.

- F. Dismissal: A COA student who engages in criminal actions, or serious or repeated violations of college policies will be dismissed immediately from the college for no less than one year. The student may also face criminal prosecution for violations of law. The Vice President, Associate Vice President, Program Director, Program Coordinator, or Dean supervising the program in which the student is enrolled or his/her designee is responsible for investigating the incident and for implementing the dismissal of a student from College of The Albemarle. The student shall be notified of the dismissal in writing immediately. Written notice shall be presented in person or by mail, providing the student with a list of the charges, the rules that were violated, the dismissal decision, and Disciplinary Appeals Procedures. A student may be notified by phone of his/her dismissal but written notice must also be given.

The above sanctions will be imposed by College of The Albemarle for infractions of college regulations or other college policies. Criminal charges may be filed for violations of state and federal law.

### III. Disciplinary Appeals Procedures

A student may appeal his/her "F" course grade for cheating, withdrawal, suspension, or dismissal to the Student Disciplinary Committee. This appeal must be made in writing to the Vice President or designee supervising the class or program from which the student was withdrawn, suspended, or dismissed. The written appeal must be delivered by 4:30 p.m. on the next college working day after the student's notification of withdrawal, suspension, or dismissal.

The Vice President or designee will notify the Chairperson of the Student Disciplinary Committee to convene members of the committee to hear the student appeal. The hearing shall be held within two college working days following receipt of the appeal from the student except in unusual circumstances or with the consent of the

student. The Student Disciplinary Committee members hearing the appeal shall not have initiated or been involved in the action(s) leading to the disciplinary action taken against the student or any administrative appeals by the student.

The purpose of the Student Disciplinary Committee is to hear appeals of disciplinary actions and to uphold, modify, or reverse a disciplinary action against a COA student. This committee may also conduct hearings to investigate charges against a student made by any COA student, faculty, or administrator of infractions of rules applying to student behavior; to judge the guilt or innocence of students so charged; and to decide upon actions to be taken against students judged to be guilty of rules violations.

The following process will be initiated after a written appeal is made or after a college official refers an incident to the Student Disciplinary Committee.

- A. The committee chair shall distribute copies of the appeal or complaint to committee members. For an appeal, the committee chair will notify the college official who made the decision to implement the disciplinary action that a letter of appeal has been received. A copy of the incident report and documented investigative reports relevant to the case will be forwarded to the committee chair. For a complaint, the committee chair will hand deliver or mail a copy of the complaint to the accused student. The committee chair will also notify the accused student by phone. The committee chair will request a written response to those charges to be submitted prior to the scheduled hearing.
- B. The committee chair will notify committee members, the student making the appeal, or the complainant and the accused of the hearing date and time. No more than two college working days will elapse between the receipt of the complaint and the hearing except in unusual circumstances or with the consent of the student. The committee chair must be notified, in advance, if any party is unable to appear at the scheduled meeting for a valid reason and the hearing will be re-scheduled.
- C. If any party fails to appear at the scheduled hearing without valid reason, the committee may make its decision based upon any information received from parties or witnesses appearing at the hearing and/or the written documentation submitted prior to the hearing.
- D. No member of the committee who has an interest in the case shall sit in judgment. A temporary replacement shall be appointed by the committee chair except in the event of replacing the Student Government Association representative, whose replacement shall be appointed by the President of the Student Government Association.
- E. The committee chair shall preside over the hearing and shall establish procedures for the hearing including:
  1. Determining who will be allowed to attend the hearing;
  2. Deciding whether to allow any party to the proceeding to have a representative;
  3. Establishing the order in which the sides shall present their information and establishing time frames therefore;
  4. Reporting, or selecting a committee member to report, the committee's decision; and
  5. Making a recording of the hearing. This recording will be accessible only to the members of the committee participating in the hearing, Vice Presidents and the President of the college.

- F. The student making the appeal, or the accused and the complainant, will each present their own case and may call witnesses that have been approved prior to the hearing by the committee chair.
- G. Members of the committee shall have the right to call other persons to appear and to question anyone present.
- H. Copies of the committee's case summary shall be kept permanently in the following locations: committee chair's office; the appropriate college official's office (Vice President, Student Development, for curriculum students; Associate Vice President, Basic Skills and Workforce Readiness, for basic skills education students; Vice President, Corporate and Continuing Education, for continuing education students; Dean, Dare County Campus, for students attending the Dare County Campus; or Dean, Edenton-Chowan Campus, for students attending the Edenton-Chowan Campus) to be retained in files separate from the student's permanent academic files. A copy shall be mailed by certified mail to the student or hand delivered to the student with a staff member witnessing the act. The Vice President, Instruction, shall retain a copy of the committee's case summary and the recording of the hearing.
- I. An appeal of a decision by the Student Disciplinary Committee may be made by either the student or by person(s) who brought the complaint by writing the President of the college within two college working days after the student has received notice of the decision of the committee.

The President shall consider the committee's decision based on the severity of the infraction or incident; the evidence submitted at the hearing; and whether proper procedures were followed. The decision of the President is final.

## Unlawful Harassment Policy & Procedures

It is the policy of College of The Albemarle to prohibit sexual and other unlawful harassment of staff, faculty, and students. All administrators, department heads, and supervisors are responsible for disseminating and enforcing this policy.

Actions, words, jokes or comments based on an individual's protected characteristic such as sex, race, national origin, age, religion or any other legal protected characteristic will not be tolerated. Unlawful harassment includes, but is not limited to, unwelcome unlawful advances, requests for unlawful favors, unlawful discussions or comments, and other verbal or physical conduct of an unlawful nature when:

- Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work or performance or creating an intimidating, hostile or offensive environment.

Examples of unlawful harassment include, but are not limited to, deliberate, unwelcome touching; suggestions or demands for unlawful involvement accompanied by implied or overt promises of preferential treatment or threats; pressure of unlawful activity; continued or repeated offensive unlawful flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body, physical characteristics, nationality, religious beliefs, race, or other protected characteristics; unlawfully degrading words used toward

an individual or to describe an individual; or the display in the workplace of unlawfully suggestive objects or pictures. Unlawful harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by employees or prospective employees.

Any other act of harassment relating to protected characteristics that is demeaning to another person or group of persons, undermines the integrity of the employment relationship, or creates a hostile or offensive working environment is strictly prohibited.

In addition to constituting a violation of the policy of College of The Albemarle, discrimination is unlawful and a violation of Title VII of the Civil Rights Act of 1964 where submission to such conduct is made, explicitly or implicitly, a condition of an individual's employment or education; or, submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals; or, such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

The college will make diligent efforts to correct, prohibit, or remedy the harassment and to protect the employee from further harassment. Retaliation against an employee who reports improper conduct in good faith is strictly prohibited.

Any faculty, staff, or student, male or female, found to have engaged in unlawful harassment, whether same rises to the level of a civil rights violation, will be subject to appropriate disciplinary measures commensurate with the offense, including but not limited to termination of employment or expulsion as a student. Any faculty or staff who receives a complaint of unlawful harassment from another faculty, staff, or student and fails to report the complaint to the proper office as hereinafter stated shall be subject to appropriate disciplinary action, including but not limited to termination of employment.

### Irresponsible Complaints

Irresponsible accusations made against another employee with a motive to harass, embarrass, or discredit that employee are contrary to this policy and may lead to disciplinary action.

### Retaliation

Retaliation in any form against any person who has made a complaint of unlawful harassment in violation of the policy of College of The Albemarle is prohibited. Retaliation is defined as seeking to get back at, punish, or cause harm or detriment to the employment or academic standing of a person who asserts a claim of unlawful harassment. Regardless of the merits of the alleged unlawful harassment, any faculty, staff, or student found to have retaliated, or threatened to retaliate, against any person pursuing his or her rights under College of The Albemarle's "Unlawful Harassment Policy and Procedures" shall be subject to appropriate disciplinary measures, including but not limited to termination of employment or expulsion as a student.

### Procedures

Because of the sensitive nature of conduct constituting unlawful harassment, a balance must be struck between confidentiality and due process. Accordingly, an informal grievance procedure is offered with emphasis on confidentiality and with the following procedural features:

- Most complaints are handled informally.
- Informal procedures are optional, and individuals can choose to bypass them, discontinue them, or initiate a formal complaint while using them.
- The purpose of dealing with a complaint informally is to

stop the offending behavior and to resolve the matter as expeditiously as possible.

A formal grievance procedure is offered with emphasis upon due process.

### **Informal Grievance Procedure**

1. Any faculty, staff, or student who believes he or she has been a victim of unlawful harassment should contemporaneously document in writing the name of the person believed to have engaged in unlawful harassment, the objectionable conduct believed to constitute unlawful harassment, the nature of the objectionable conduct, and the names of any other witnesses thereto. The writing or documentation is not required, but it will be useful in any investigation or proceeding subsequently arising from the objectionable conduct.
2. The faculty, staff, or student who believes he or she has been a victim of unlawful harassment is encouraged, but not required, to privately confront the harasser, firmly discuss the specific objectionable conduct at issue, and request that the harasser cease and desist from further incidence of such conduct.
3. If the faculty, staff, or student who believes he or she has been a victim of unlawful harassment does not wish to confront the person believed to have engaged in such objectionable conduct, or if unlawful harassment continues after such confrontation, or if retaliation occurs, or is threatened by virtue of the complaint alleging unlawful harassment, the said victim of unlawful harassment shall report the matter to the Vice President, Student Development, if the victim and the alleged harasser are students or to the Director, Human Resources, in all other situations. Any faculty or staff who receives notice of a complaint of unlawful harassment shall immediately refer the complainant to the Vice President, Student Development, or Director, Human Resources, as appropriate, and shall not attempt to investigate or otherwise dispose of the matter.
4. Upon receipt of a complaint alleging unlawful harassment or retaliation arising out of conduct alleged to constitute unlawful harassment, the Vice President, Student Development, or Director, Human Resources, as applicable, shall immediately schedule a confidential appointment with the victim of the alleged unlawful harassment or retaliation. The Vice President, Student Development, or the Director, Human Resources, as applicable, shall conduct the initial interview, and any other interviews or conferences subsequent thereto, in the presence of a counselor of the same gender as the victim selected by the Vice President, Student Development or Director, Human Resources, as applicable, to provide the victim with support in discussing sensitive subjects and circumstances. At the initial interview, the Vice President, Student Development, or Director, Human Resources, as applicable, shall assist the victim of the alleged unlawful harassment or retaliation in preparing a written statement of the complaint to include the name and position of the accused, the date or dates of the alleged unlawful harassment and/or retaliation, a specific description of the conduct, actions, or words which occurred on those dates and which are alleged to constitute unlawful harassment or retaliation; the names of any other witnesses to such conduct, words, or actions; and the date and statements made during any private confrontation with the accused together with the results

thereof. This statement of complaint shall be deemed complete when signed and dated by the victim. The Vice President, Student Development, or Director, Human Resources, as applicable, shall request any contemporaneous writing documenting the objectionable conduct alleged to constitute unlawful harassment prepared by the victim of such conduct, if any, at the initial interview. The Vice President, Student Development, or Director, Human Resources, as applicable, shall retain all documents and writings in a separate, confidential file which shall not be released to anyone who is not directly involved in making the complaint, defending the complaint, or investigating the complaint on behalf of College of The Albemarle.

5. Within ten (10) working days of the preparation and receipt of the complete written statement of complaint, the Vice President, Student Development, or Director, Human Resources, as applicable, shall meet confidentially with the person accused of unlawful harassment in the presence of the counselor who was present during the alleged victim's initial interview. The college officials should seek resolution without identification of the complainant, if possible. If confidentiality is not possible, the complainant must determine whether to proceed to the next step. If so, the person accused shall be permitted to read the written statement of complaint and may, but is not required, to make any comments or defense thereto. The accused shall be instructed that he or she shall not approach, write, or in any manner discuss the matter with the alleged victim until such time as the informal resolution conference occurs. During said ten (10) working days, the Vice President, Student Development, or Director, Human Resources, as applicable, may make other discreet and confidential inquiries deemed necessary to investigate the merits of the alleged unlawful harassment. Any such inquiry shall avoid to the extent possible disclosing the existence of the complaint and the names of those persons involved therewith.
6. Within ten (10) working days of the preparation and receipt of the complete written statement of complaint, the Vice President, Student Development, or Director, Human Resources, as applicable, shall schedule an informal resolution conference at such time and location as will ensure and protect confidentiality. The complainant and the accused shall each be provided with at least twenty-four (24) hours advance notice of the time and place of the conference. The complainant and the accused shall be afforded the opportunity to meet together with the Vice President, Student Development, or Director, Human Resources, as applicable, and the counselor selected for the initial interview with the alleged victim and the initial meeting with the accused. However, if either the complainant or the accused objects to meeting in the other's presence, then the conference shall be conducted by means of the Vice President, Student Development or Director, Human Resources, as applicable, and the counselor meeting in separate rooms with the complainant and accused at the location selected. The Vice President, Student Development or Director, Human Resources, as applicable, shall attempt to negotiate and mediate a resolution of the matter at the informal resolution conference. The agreed resolution or the fact that no agreed resolution resulted shall be documented in writing and included in the college's record of the incident.
7. If no satisfactory resolution is achieved through the

informal process, the complainant will be free to choose whether to proceed with a formal grievance.

### **Formal Grievance Procedure**

1. Any faculty, staff, or student who believes he/she has been a victim of unlawful harassment by another faculty, staff, or student may file a formal grievance against the alleged harasser without first completing the informal grievance procedure. A written complaint to the Vice President, Instruction, requesting that the Student Disciplinary Committee be convened shall include the rule(s) or regulation(s) of student rights, responsibilities, and regulations, which allegedly have been violated. The Vice President, Student Development, may assist the victim of the alleged unlawful harassment or retaliation in preparing a written statement of the complaint to include the name and position of the accused, the date or dates of the alleged unlawful harassment and/or retaliation, a specific description of the conduct, actions or words which occurred on those dates and which are alleged to constitute unlawful harassment or retaliation, the names of any other witnesses to such conduct, words or actions, and the date and statements made during any private confrontation with the accused together with the results thereof. The procedures of the Student Disciplinary Committee will then be initiated.
2. For complaints in which the alleged harasser is a college employee, the complainant, who believes he or she has been a victim of unlawful harassment, may file a formal grievance against the alleged harasser without first completing the informal grievance procedure by submitting a written complaint to the Director, Human Resources. Such claims should be filed within thirty (30) days of the alleged incident. The Director, Human Resources, shall appoint a five (5) member committee of which three (3) persons are members of the Student Disciplinary Committee within ten (10) working days after receipt of the complainant's notice of intention to pursue the formal grievance procedure, to hear and determine the facts of the alleged unlawful harassment and/or retaliation, and to conclude by the greater weight of the evidence whether the policy has been violated and, if so, recommend disciplinary action, if any. If either the accused or the complainant finds that additional time is needed to prepare his/her case for the hearing, then a request for an extension of time must be submitted in writing to the committee chair.
3. The committee shall be charged with the duties imposed hereby and shall agree to keep the matter as confidential as possible. The committee shall select a chair, select the date, time, and place for the hearing and thereafter advise the accused and the complainant at least ten (10) working days in advance of the hearing date, time, place, and their respective rights to be present, to present evidence, to call witnesses, to cross-examine adverse parties or witnesses, and to be represented by counsel. The chair shall be responsible for conducting the hearing. The hearing shall be recorded. Within ten (10) working days after the hearing is completed, the committee, by majority vote, shall issue in writing its findings, conclusions, and recommendations as to disciplinary action, if any, to the President.
4. Copies of the committee's findings, conclusions, and recommendations shall be delivered to the accused and the complainant who shall have ten (10) working days thereafter to submit a written appeal to the President

regarding the hearing, committee findings, conclusion, or recommendation. The letter of appeal must include a complete statement of the grounds for the appeal, which may not include new evidence not previously considered by the hearing committee. While the appellant may or may not be invited by the President to make an oral argument, the President shall not receive any additional evidence in the matter, and his or her decision shall be based upon the record in the proceedings up to the date of the appeal to the President. Within ten (10) working days after receipt of the appeal, the President shall advise the accused and the complainant of his or her decision to adopt, modify, or reverse the findings, conclusion, or recommendations of the committee. If any finding, conclusion, or recommendation is not adopted, then reasons therefore will be stated by the President. The accused or complainant may appeal the President's decision to the Board of Trustees, or an ad hoc committee thereof, by letter to the Office of the President within ten (10) working days after receipt of the President's decision. The letter of appeal must include a full and complete statement of the grounds for the appeal.

5. Upon a timely appeal, the decision of the Board of Trustees, or an ad hoc committee thereof, shall be expressed in writing, with a copy to the accused and the complainant, and same shall be final.
6. The decision of the President and, if applicable, the Board of Trustees, shall specify the disciplinary action, if any, taken against the accused [i.e. warning, reprimand, suspension, (with or without pay), termination, probation, expulsion] and shall further specify what record, if any, shall be made of the incident in the accused person's regular personnel or student file.

The Grievance Procedure outlined shall be the exclusive procedure utilized in unlawful harassment complaints and/or retaliations arising therefrom notwithstanding any other grievance procedure set forth by the Board of Trustees.

### **Relationships Between Students and Faculty/Staff**

The relationship between a College of The Albemarle faculty or staff and a student is inherently one involving a difference in power, a difference which may be slight under most circumstances but which may be substantial when that student is under the direct tutelage or supervision of the faculty or staff. Because of the power difference under such circumstances, it may be impossible for a balanced, truly consensual "romantic or sexual" relationship between such parties to exist. Rather, there is a potential for power to be used to prolong or shape the relationship in ways that could not occur in absence of the potentially coercive power differential; thus, such relationships, though apparently consensual at the start, can develop very serious complications, including unlawful harassment. If an unlawful harassment claim arises out of a relationship between any member of the faculty or staff and a student, then consideration of age and the relative positions at the college of the two parties involved will be permitted in determining whether the claim is valid or not and whether the relationship is truly consensual or a result of unfair advantage. For that reason, faculty or staff and students are discouraged from promoting or becoming involved in a "romantic or sexual" relationship.

## Student Grievance Procedures for Non-Disciplinary Issues

- I. Students who think they have received unfair or improper treatment should address the concern informally through discussion with the faculty member, staff member, or administrator involved. In certain situations, however, students may feel more comfortable in first discussing the problem with one of the Student Development counselors or a member of the COA faculty and staff who is not involved in the concern. This initial discussion should be to determine the best approach to solve the concern at the lowest level.
- II. If this discussion does not resolve the student's concern, the student should discuss the matter with the immediate supervisor of the faculty, staff, or administrator involved.
- III. If the matter is not resolved with the immediate supervisor of the employee involved, the student may appeal through the employee's supervising administrators in succession until a satisfactory resolution is obtained. For programs with strict attendance policies, the department chair will expedite this process.
- IV. A student who is not satisfied with the resolution may submit a grievance in writing to the appropriate Vice President or designee who supervises the faculty or staff involved. This written grievance must be submitted no later than ten college working days after the alleged incident occurred except in unusual circumstances with the permission of the appropriate Vice President or designee. For programs with strict attendance policies, the student must expedite this written appeal. Previous student absences may make it impossible to re-instate a student in a course or program during the semester the incident occurred. The written appeal must be signed and dated by the student and must include the following:
  - A. A detailed description of the grievance and the facts related to the grievance;
  - B. Identification of the person, policy, or procedure against whom or what the grievance is filed;
  - C. An explanation of the steps taken in an effort to resolve the grievance; and
  - D. A description of the student's idea of a satisfactory resolution.

The Vice President or designee may uphold the resolution, change the resolution, or determine that the grievance should be heard by the appropriate college committee. A written response will be provided to the student by the Vice President, designee or college committee chair within ten college working days from receipt of the written grievance from the student. The decision of the Vice President, designee or college committee is final except if the student grievance is against an employee supervised directly by the President of the college in which case the decision of the President is final.

## Student Records-Confidentiality & Release

College of The Albemarle recognizes the importance of exercising responsibility in the maintenance and security of all student records. In order to meet that responsibility and the requirements of the Family Rights and Privacy Act of 1974 (FERPA), as enacted by Congress, the college makes the following information known:

- I. Types of informational records and information which directly relate to students and which are maintained by the college:
  - A. Permanent Student Files: transcripts of work at other educational institutions, health forms or records, recommendation letters, placement test profiles, application and residency forms; and
  - B. Transcripts: academic record of all courses taken while enrolled at the college.
- II. The official responsible for maintaining each type of record, the persons who have access to those records, and the purpose for which they have access:
  - A. The Registrar: responsible for maintaining student files and transcripts;
  - B. The regular staff in the Student Development Office: access to the files for maintenance purposes;
  - C. The counselors and faculty advisors: access to the files for use in academic advisement;
  - D. Members of the Academic Appeals Committee: access when a case comes before the committee; and
  - E. Other authorized college committees: access whenever the nature of their responsibility requires access to student records (e.g., determining awards at graduation, etc.).
- III. The policy of the college for reviewing, maintaining, and expunging records:
  - A. Allows the institution to destroy all student records except the official transcript five years after the student leaves the college.
  - B. Acknowledges that parents and legal guardians of independent students 18 years of age or older do not have a right to view student records, grades, tests scores, etc., unless written consent from the student is received. Parents of dependent students as defined in section 152 of the Internal Revenue Code of 1954 may review student records without the written consent of the student.
  - C. Requests for student transcripts will not be honored as long as the student has any outstanding debt to the college.
  - D. Official transcripts and replacement files will be forwarded only at the written request of the student and with the payment of \$5.00 for each transcript.
  - E. Written permission from the student is required before grades or records of students are released to faculty or to any agency, except as outlined previously in Section II. (Forms are available in the Registrar's office for this purpose.)
  - F. Permits instructors to post final exam and end-of-course grades, provided numerical codes are used, unless the student notifies each instructor five days before the end of the semester that he or she does not wish the grades to be posted.
- IV. The procedures established by the college providing access to student records:

- A. Upon receipt of a written request from the student, the Registrar within 30 days is responsible for the following:
1. Allowing the student to inspect and review the permanent file and transcript;
  2. Providing the student with copies of the material at a cost of .50¢ per page;
  3. Interpreting the records to the student; and
  4. Allowing the student to challenge, in writing, the content of the files. (Upon receipt of the challenge, the Registrar shall conduct a hearing at which time any materials found to be inappropriate or misleading will be corrected. The student shall also have the opportunity to insert into his/her file any written explanations he or she deems appropriate).
- B. College of The Albemarle considers the following "directory information" and will release such information unless the student notifies the Registrar in writing.
- a. Name, address, and phone number
  - b. Date and place of birth
  - c. Program of study
  - d. Participation in officially recognized activities
  - e. Dates of attendance
  - f. Degrees and awards received
  - g. The most recent previous educational agency or institution attended by the student
  - h. Graduation honors

A student may make a written request to the Registrar to have his/her record closed. Students who do not wish to have any or all "directory information" made public without their consent must give to the Registrar each semester a signed and dated notice specifying the information not to be released.