

College of The Albemarle Procedure

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Title: Discipline and Appeal for Academic Violations

Related Policy: Policy 5.3.2 Student Code of Conduct

Division of Responsibility: Student Success and Enrollment Management

I. OVERVIEW

College of The Albemarle (College) is committed to providing an excellent educational experience for all students. Academic integrity is an essential component to this level of education. The academic penalty for academic related violations should be clearly stated by the instructor in each course syllabus and reviewed at the beginning of the first-class meeting.

These procedures only apply to academic related violations, outlined herein and defined in Policy 5.3.2 Student Code of Conduct. For non-academic violations, see Procedures 5.3.2.2 Discipline and Appeal for Non-Academic Violations.

An instructor may impose sanctions for academic related violations that occur in the instructor's course. Program suspension (disenrollment and removal from all program-related courses within a competitive enrollment program) must be approved by the academic dean, program coordinator and/or department chair of the program. Suspension or dismissal requests (complete disenrollment from all college classes) must be approved by the vice president of student success and enrollment management (vice president).

There is no "statute of limitations" regarding academic violations; students may be subject to disciplinary action at any time the violation is discovered.

II. SANCTIONS FOR ACADEMIC RELATED VIOLATIONS

Where appropriate, a student may be subject to more than one sanction. For example, a student may receive a warning and be required to re-complete the assignment.

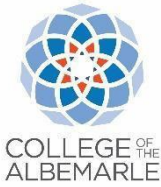
The following sanctions may be imposed for academic violations by the course instructor:

A. Warning

A warning admonishes a student for an academic related violation and warns the student not to commit further violations. A warning must be in writing to the student and recorded as an informal report using the College's incident reporting system.

B. Re-complete the Assignment

A student may be given an opportunity to re-complete an assignment with a lowered grade.



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C. Additional Coursework

In some cases, due to the nature of the assignment, students may not be allowed to re-complete an assignment, but may be assigned additional coursework as an alternate assignment to fulfill the original academic requirement.

D. Loss of Credit or Grade Reduction on an Assignment

A student may be given a lowered or failing grade (including a grade of zero or no credit) on an assignment, test/quiz or project which was the subject of an academic related violation.

E. Loss of Course Credit

A student may receive a grade of F in the course in which the academic-related violation occurred.

F. Formal Report Filed

Depending on the severity of the academic related violation, the instructor of the course may submit a formal report using the College's incident reporting system. This report becomes part of the student's academic record.

Multiple academic violations may be referred to the vice president, or designee, and may result in additional Student Code of Conduct violations.

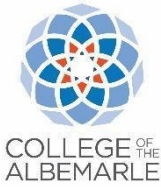
III. DISCIPLINARY PROCEDURES

A. Incident Report

Incidents of academic related violations may be reported by the instructor using the College's approved incident reporting system. An instructor may file multiple reports at the same time if multiple offenses have occurred within a class. Incidents are cumulative and each incident remains active throughout the student's time at the college. A break in attending classes does not remove any prior incidents. Reports submitted using the incident reporting system may be informal or formal based on the course level and frequency/severity of the violation(s). Students will be notified by the vice president, or designee, of all formal reports submitted for academic violations or when multiple informal violations are reported.

B. Investigation and Determination

The instructor of a course may determine the appropriate action for the offense



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committed. Failure of a student to adhere to any requirements of the instructor's action may result in further sanctions. If, after an instructor submits a report it is discovered a student has additional academic violations on record, then the vice president, or designee, with consultation from the instructor may choose to strengthen the instructor's initial proposed penalty. Additionally, any student with more than one actionable violation on record will be subject to disciplinary action up to and including dismissal from the College. The vice president, or designee, will be responsible for monitoring records for repeat offenses and pursuing such actions when necessary.

A report of an academic related violation may be made at any point during the semester. The "last date to withdraw without a grade penalty" rule does not prevent a student from receiving an "F" in a class if it is discovered the student committed an academic violation.

C. Notification

Initial notification of sanctions for academic related violations will be provided by the instructor to the student prior to the instructor submitting an incident report. Upon receipt of the incident report for sanctions above a warning and/or receipt of a formal report, the vice president, or designee, shall provide the student with the determination in writing and instructions governing the appeal process. Such notice shall be given in person or sent to the student's College email address or mailing address of record.

IV. APPEALS PROCEDURES

A. Informal

The vice president of student success and enrollment management, or designee, will make every effort to resolve the complaint on an informal basis. If an informal resolution is not possible, the student has the right to due process through a formal appeal process. Documentation regarding the informal resolution will be maintained using the College's incident reporting system.

B. Formal

1. Requesting a Hearing

A student may appeal a disciplinary sanction to the student disciplinary appeals committee. The appeal must be made in writing to the vice president, or designee. The appeal must be received within three college working days after the student's notification of the disciplinary sanction.

Hearing Committee Make-up:



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The vice president, or designee, will notify the chairperson of the student disciplinary appeals committee to convene members to hear the student appeal. The purpose of the Student Disciplinary Appeals committee is to hear appeals of disciplinary actions and to uphold, modify or reverse a disciplinary sanction against a student. The committee must have the following members:

- a. one student
- b. three faculty members
- c. two staff members

The vice president provides committee oversight with every effort made to have one of the faculty/staff representatives be from the student's division and present at the appeal hearing.

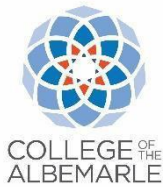
The following process will be initiated after a written appeal is submitted.

2. Notice of Hearing

The committee chair will notify committee members, the student making the appeal and the complainant of the hearing date and time. The hearing shall be held within three college working days following receipt of the appeal from the student except in unusual circumstances or with the consent of the student. The committee chair must be notified, in advance, and may reschedule the hearing if any party is unable to appear at the scheduled meeting for a valid reason.

3. Rules and Regulations

- a. The vice president, or designee, shall provide the committee chair with a copy of the written appeal, the incident report and documented investigative reports relevant to the case. The committee chair will distribute supporting documentation to committee members prior to the hearing.
- b. If any party fails to appear at the scheduled hearing without a 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.
- c. No one who has been involved in the investigation of the case or who may have some other interest in the case that may affect their impartiality shall serve on the committee.
- d. The committee chair shall preside over the hearing and shall:
 - i. Determine who will be allowed to attend the hearing,

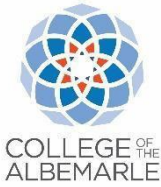


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- ii. Establish the order in which the sides shall present their information and establish time frames,
 - iii. Make a recording of the hearing (no other recording is permissible). The recording will be accessible only to the members of the committee participating in the hearing, vice president, and the president of the College. The deliberations and voting of the individual committee members will not be recorded.
 - iv. Report, or select a committee member to report, the committee's decision.
 - v. Decide whether to have an attorney present to advise the committee.
 - vi. Decide on ways to enhance the orderly presentation of evidence.
 - vii. Control the conduct, language, volume and actions of the parties to prevent harassment or intimidation of the participants.
- e. The student making the appeal and the complainant, will each present their own case and may present documents or other tangible evidence and call witnesses that have been approved prior to the hearing by the committee chair. The student may have an attorney present but they may serve only as an advisor to the student, and may not serve as a participant in the hearing. In the event the student chooses to have an attorney present, advance notice must be given to the committee chair at least 36 hours before the hearing so that the committee and/or complainant may have legal counsel present to advise them, if desired. Failure of a student to give advance notice that they will be advised by legal counsel may result in a rescheduling of the hearing until the committee and/or complainant can arrange to have counsel present.
- f. The student has a right to be present when all information is presented to the committee. The student shall receive copies of all documents submitted to the committee. The committee chair has the authority to exclude the identity of any student witnesses identified on documents in order to protect the student witness from harassment, reprisal or danger. Where practical, all documents that are submitted to the committee should be exchanged between the parties in advance. This means that the student and complainant must exchange with each other any documents they intend to use at the hearing. The student may be allowed to question any witness who appears before the committee. Alternatively, the student may elect to respond to the information provided by any witness. The committee chair may exclude any information that is considered irrelevant, redundant, immaterial, unreliable or unduly prejudicial.
- g. Hearings before the committee are not legal proceedings. Formal rules of evidence are not applied. The committee or its chair, may decide to admit any evidence that is considered to be generally reliable and competent, as well as what weight to give to any evidence. Decisions will be based on a preponderance of the evidence.



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- h. Members of the committee shall have the right to call other persons to appear and to question anyone present.
- i. Copies of the committee's case summary shall be kept according to the North Carolina Community College's Records, Retention and Disposition Schedule in the College's incident reporting system and retained in files separate from the student's permanent academic record. A notification of the committee's decision shall be mailed by certified mail to the student and/or hand delivered with a staff member witnessing the act.
- j. The decision of the Student Disciplinary Appeals Committee may be appealed by the student in writing to the college president by 4:30 p.m. on the next college working day after the student's notification of the appeal. The President's decision is final.
- k. An appeal of the Student Disciplinary Appeals Committee decision may only be made if (a) new or additional evidence is discovered or (b) a violation of the hearing process negatively impacted the student's case.
- l. A campus security officer will attend the hearing if there are possible safety and/or security concerns or if the parties feel the proceedings may become contentious.
- m. Unless the law requires, the hearings are not open to the public.

June 13, 2023

June 13, 2023

N/A

Date Approved by President's Leadership Team

Date of Last Review

Date of Last Revision