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### COMMUNICABLE DISEASE POLICY

The Communicable Disease Policy of Southwestern Community College was developed to ensure the good health and safety of all students and employees.

Communicable disease shall be defined as an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a person from an infected person or animal through an intermediate animal, host or vector, or through the inanimate environment (NC G.S. 130-A-133). Communicable disease shall include, but not be limited to: Influenza, Tuberculosis, Conjunctivitis, Infectious Mononucleosis, Acquired Immune Deficiency Syndrome (AIDS) and AIDS related complex (ARC), Positive HIV antibody status, Hepatitis A, B and D, Meningitis, Sexually Transmitted Diseases, Measles, Chickenpox and Whooping Cough.

People who know or who have reason to believe that they are infected with a communicable disease have an ethical and legal obligation to conduct themselves in accordance with such knowledge in order to protect themselves and others. Students and employees who have communicable diseases, symptomatic or not, will be allowed regular classroom and work attendance in an unrestrictive manner as long as they are physically able to attend classes, college activities and/or work and do not pose a medically proven threat for transmission of the disease or condition.

People who are infected with a communicable disease are expected to seek expert medical advice and are encouraged to advise local health authorities. Local health authorities should offer counseling to these persons about measures which can be taken to prevent the spread of infection and about ways to protect their own health.

Students and employees who know they are infected with a communicable disease are urged to share that information with the appropriate college administrator. Students should contact the Dean of Student Services, and employees should contact the president so the College may respond appropriately to their needs. Medical information relating to the communicable diseases of students or employees will be disclosed to responsible College officials only on a need-to know basis.

No person, group, agency, insurer, employer or institution should be provided any medical information without the prior specific written consent of a student or employee unless required by state or federal law. Furthermore, all medical information relating to the communicable diseases of students and employees will be kept confidential according to an amendment to the Family Education Rights and Privacy Act of 1974.

### COMPLIANCE

It is the policy of Southwestern Community College that no qualified person shall be excluded from participation in, declined the benefits of, or subjected to discrimination under any college program or activity on the basis of race, color, national origin, sex, age or disability.

Southwestern Community College complies with Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

### COMPUTER SOFTWARE PROTECTION

Southwestern Community College licenses the use of its computer software from a variety of outside companies. The College does not own this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it. Southwestern Community College employees or students using college equipment caught

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making, acquiring or using unauthorized copies of computer software will be disciplined. The Copyright Act of 1976 imposes fines of up to \$250,000 and prison sentences of up to five years on people convicted of software piracy.

### STUDENT COMPLAINTS/GRIEVANCES

Student rights and conduct standards are outlined in this handbook. Student discipline appeal procedures and student grievance procedures for both academic and nonacademic matters are included. All students have the right to inquire about, criticize or propose improvement to College policies, procedures and regulations. Channels of expression include bringing the concern to the attention of the Student Leadership, an appropriate College committee or a College administrator. Written student complaints are directed to the Dean of Student Services, who will investigate the complaint or forward it to the appropriate College office for action.

### STUDENT INFORMATION

Southwestern Community College respects the privacy and confidentiality of student information consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA), which regulates the release of student information. Therefore, the primary communication regarding student information occurs with students. However, the college recognizes and appreciates that family and others have a role in supporting students and may have an interest in a student issue. With the student's permission, academic information may be released to a third party, or a support advocate may be present with the student and participate in a productive conversation related to an issue in question.

### STUDENT RIGHT-TO-KNOW INFORMATION

Southwestern Community College is committed to informing enrolled and prospective students about the probabilities of success in each program as well as current job market information. The United States Department of Education requires that each institution of higher education publish completion rates for individuals who entered as full-time students and who completed their curriculum programs within one-and-one-half times the time allowed for the program in the academic catalog. The average rate of persistence toward degree completion of students in each curriculum at Southwestern is available from the Registrar. The Career Assessment and Testing Services can provide current job market information and job-placement data for each academic program. Campus security can provide campus crime statistics. The most recent statistics are located on page 28 of this handbook. All information is available at [www.southwesterncc.edu](http://www.southwesterncc.edu).

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### STUDENT RECORD POLICY

Student records are maintained in accordance with the Family Educational Rights of Privacy Act of 1974, which is available for inspection in the Learning Resources Center and in Student Services.

All questions concerning student records and all requests for record inspection should be directed to the Registrar. A current or former student may secure a transcript of his grades by completing a Transcript Release Form and submitting it to the Registrar's office. In compliance with the Privacy Act, student transcripts will not be released to a third party without the signature of the student.

Information identified as public or directory information may be released without the student's consent. Directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photography, date and place of birth, major field of study, dates of attendance, grade level, enrollment status participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and most recent education agency or institution.

The policy should be reviewed by all students attended.

Also, SCC complies with the USA Patriot's Act of 2001.

- I. Southwestern Community College, in accordance with existing state and federal laws, reaffirms the rights of students to access their official educational records and to challenge the accuracy of such information. The college limits the release of personally identifiable data, other than directory information, without explicit student consent.
- II. Student records include, but are not limited to, a copy of the original application for admission, transcript(s) of previous educational records, statement of residency (on application form), and test results for students in programs requiring preadmission/ placement tests. The official transcript of a student's courses, credits, grades earned, total grade points earned, and cumulative grade point average to date is maintained in the registrars office.
- III. Information identified as public or directory information may be released without the student's consent for purpose deemed beneficial to the student by the president or designees. Directory information is defined as the student's name, local address, e-mail address, major field of study, participation in officially recognized activities and sports, degrees and honors received, dates of enrollment and current enrollment status. Students who do not wish any or all of the above directory information released to outside agencies must notify the registrar in writing within thirty (30) days after their initial registration. No records, other than directory information, shall be available to unauthorized persons within the school or to any unauthorized persons or groups outside the school without the written consent of the student involved except under legal compulsion.
- IV. The following persons or groups are authorized access to official records without student consent:
  - A. College faculty and other college officials with legitimate educational interests.
  - B. College officials of other institutions in which the student seeks or intends to enroll.
  - C. Authorized representatives of federal, state, or local government.
  - D. Authorized organizations conducting studies or determining eligibility related to testing, financial aid or instruction.
  - E. Accrediting organizations in order to carry out their accrediting functions.
  - F. In emergencies, appropriate persons if necessary to protect the health or safety of the student or others.

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- G. Information about deceased students may be released to a spouse, parents or executors of a student's estate for a period of six (6) months after the death. Beyond six months, deceased student information is rated the same as other student directory information. The request for deceased student information must be in writing accompanied by an official death certificate.
- V. Students may request permission to review their records through the registrar's office. The college reserves the right to require appointments for examination of records. Students questioning the content of their records shall first review the records with the Registrar, Dean of Student Services or Vice President for Instruction and Student Services. Upon written request by the student, all unresolved questions shall be reviewed by a committee appointed by the president. The final review shall rest with the president.
- VI. A hold may be applied to the release of grade reports, an official transcript, diploma, or other information requested from an official record, a student who has an overdue indebtedness to the college. Such a student continues to have the right to see and photocopy his official record upon request.
- VII. Requests for additional information and questions regarding student records procedures or student rights under the Family Education Rights and Privacy Act of 1974 should be addressed to the Registrar.

### STUDENT DRUG-FREE POLICY

- I. Southwestern Community College is committed to providing each of its students a drug-free environment in which to attend classes and study. From a safety perspective, the users of drugs or alcohol may impair the well-being of students, interfere with the college educational environment, and result in damage to college property. Therefore, it is the policy of SCC that the unlawful manufacture, distribution, dispensation, possession, or use of narcotics, drugs, other controlled substances or alcohol is prohibited on college premises or as part of any college sponsored activity. Any student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The policy is as follows:
  - A. No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other "controlled substance" before, during, or after school hours on college premises or at any other college location.
  - B. "Controlled substance" means any drug listed in Title 21 of the United States Code and other federal regulations, as well as those listed in Chapter 90 of the North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse and include "legal drugs" which are not prescribed by a licensed physician. Student use of drugs as prescribed by a licensed physician is not a violation of policy; however, individuals shall be held strictly accountable for their behavior while under the influence of prescribed drugs.
  - C. "College location" means in any college building or on any college premises; in any college owned vehicle or in any college-approved vehicle used to transport students to and from college or college activities; and off college property at any college-sponsored or college-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the college.

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- D. SCC does not differentiate between drug users, drug pushers, or sellers. Any student who possesses, uses, sells, gives, or in any way transfers a controlled substance or manufactures a controlled substance while on college premises or as part of any college-sponsored activity will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.
- E. A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Standards of Student Conduct and the Discipline and Appeals Procedure. At his discretion, the Dean of Student Services may require any student who violates the terms of this policy to satisfactorily participate in a drug abuse rehabilitation program or an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at the college.
- F. Each student is required to inform the college, in writing, within five days after he or she is convicted for violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on college premises or as part of any college sponsored activity.

## STUDENT RIGHTS, STANDARDS OF STUDENT CONDUCT, DISCIPLINE, APPEAL AND GRIEVANCE PROCEDURES

### I. PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of this academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic conditions in the classroom, on the campus, and in the community. Students should exercise their freedom with responsibility. As members of the larger community of which the college is part, students are entitled to all rights and protection accorded them by the laws of that community.

Students are also subject to all laws, the enforcement of which is the responsibility of duly constituted authorities. When students violate laws, they may incur penalties prescribed by legal authorities. In such instance, college discipline will be initiated only when the presence of the student on campus will disrupt the educational process of the College. However, when a student's violation of the law also adversely affects the college's pursuit of its recognized educational objectives, the college may enforce its own regulations. When students violate college regulations, they are subject to disciplinary action by the college whether or not their conduct violates the law. If a student's behavior simultaneously violates both college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

### II. STUDENT RIGHTS

- A. All rights and privileges guaranteed to every citizen by the Constitution of the United States and by the State of North Carolina shall not be denied any student.
- B. Students are free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on the campus shall be provided for by the college. Student performance will be evaluated solely on an academic basis, not on

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- opinions or conduct in matters unrelated to academic standards.
- C. Students have the right to freedom of expression, inquiry, and assembly without restraint or censorship subject to reasonable and nondiscriminatory rules and regulations regarding time, place and manner.
  - D. Students have the right to inquire about and to propose improvements in policies, regulations, and procedures affecting the welfare of students through established student government procedures, campus committees, and college offices.
  - E. The Family Educational Rights and Privacy Act of 1974 provides safeguards regarding the confidentiality of and access to student records, and this Act will be adhered to by the college. Students and former students have the right to review their official records and to request a hearing if they challenge the contents of these records. No records shall be made available to unauthorized personnel or groups outside the college without the written consent of the student involved, except under legal compulsion. (See Student Records Policy.)
  - F. No disciplinary sanctions other than temporary removal from class or activity (only for duration of said activity) may be imposed upon any student without due process. Due process procedures are established to guarantee a student accused of a Standards of Student Conduct violation the right of a hearing, presentation of charge(s), evidence for charges, the right to present evidence, the right to have witnesses on one's behalf and to hear witnesses on behalf of the accuser(s), the right to counsel, and the right to appeal.

### III. STANDARDS OF STUDENT 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 sanctity of the community.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The purpose of these standards is not to restrict student rights but to protect the rights of individuals in their academic pursuits.

The following regulations set forth offenses for which disciplinary proceedings may be initiated. Violation of one or more of the following regulations may result in one of the sanctions described in Section V.

- A. Academic Dishonesty defined as taking or acquiring possession of any academic material (test information, research papers, notes, etc.) from a member of the college staff or student body without permission; receiving or giving help during tests; copying from another student's test paper; using, during a test, materials not authorized by the person giving the test; collaborating with another student during a test without authority; knowingly using, buying, selling, stealing, transporting or soliciting in whole or part the contents of an unadministered or administered test; substituting for another student or permitting another student to substitute relative to a test or examination; bribing another person to obtain an unadministered or administered test or information about an unadministered or administered test; appropriation of another's work and the unacknowledged incorporation of that work in one's own written work offered for credit

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- (plagiarism); unauthorized collaboration with another person in preparing written work offered for credit (collusion).
- B. Theft, misuse, damage or defacing of college property, or theft of or damage to property of a member of the college community or a campus visitor on college premises or at college functions; unauthorized entry upon the property of the college or into a college facility or a portion thereof which has been restricted in use and thereby placed off limits; unauthorized presence in a college facility after closing hours.
  - C. Possession or consumption of alcoholic beverages or being in a state of intoxication on the college campus or at College-sponsored or supervised functions off campus or in college-owned vehicles. Manufacture, possession, use or distribution of any illegal drugs, except as expressly permitted by law. Any influence which may be attributed to the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of his/her actions. (See Student Drug-Free College Policy.)
  - D. Lewd or indecent conduct, including public physical or verbal action or distribution of obscene or libelous written material.
  - E. Mental or physical abuse of any person on college premises or at college-sponsored or college supervised functions, including verbal or physical actions which threaten or endanger the health or safety of any such persons or which promote hatred or racial prejudice.
  - F. Any act, comment, or behavior which is of a sexually suggestive or harassing nature and which materially interferes with a student's or an employee's performance or creates an intimidating, hostile, or offensive environment.
  - G. Intentional obstruction or disruption of teaching, research, administration or disciplinary proceedings, or other college activities, including public service functions, and other duly authorized activities on college premises.
  - H. Occupation or seizure in any manner of college property, a college facility or any portion thereof for a use inconsistent with prescribed, customary, or authorized use.
  - I. Participating in or conducting an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which interferes with free access to, ingress or egress of college facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions of the college; holding rallies, demonstrations, or any other form of public gathering without prior approval of the college; remaining at the scene of such an assembly after being asked to leave by a representative of the college staff.
  - J. Possession or use of a firearm, incendiary device or explosive, except in connection with a college approved activity. This also includes unauthorized use of any instrument designed to inflict serious bodily injury to any person.
  - K. Setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment.
  - L. Illegal gambling.
  - M. Smoking and/or using other forms of tobacco products in classrooms, shops, labs, offices or other unauthorized areas.
  - N. Violation of college regulations regarding the operation and parking of motor

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- vehicles, the registration of student organizations, or use of college facilities.
- O. Forgery, alteration, or misuse of college documents, records, or instruments of identification with intent to deceive.
  - P. Failure to comply with instructions of college officials acting in performance of their duties.
  - Q. Violation of the terms of disciplinary probation or any college regulation during the period of probation.
  - R. Fiscal irresponsibility such as failure to pay college-levied fines, failure to repay college-funded loans, or the passing of worthless checks, drafts or orders to college officials. A student's failure to pay the college the amount due on a check, draft or order, on or before the fifth class day after the day the Business Office sends written notice that the student has rightfully refused payment on the check, draft or order, is prima facie evidence that the student intended to defraud the college.
  - S. Violation of a local, state, or federal criminal law on college premises adversely affecting the college community's pursuit of its proper educational purposes. Knowingly giving false information in response to requests from the college.

### IV. DISCIPLINE PROCEDURE

#### A. Immediate Suspension

If an act of misconduct threatens the health or well being of any member of the academic community or seriously disrupts the function and good order of the college, an instructor or administrative officer may direct student(s) involved to cease and desist such conduct and advise them that failing to cease and desist will result in immediate suspension. If the student(s) fail to cease and desist, the instructor may then suspend the student(s) from the class. An administrative officer may suspend the student(s) from either the class or the college until a resolution of the matter can be made.

The instructor or administrative officer invoking such suspension shall notify the Vice President for Instruction and Student Services in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than two (2) days following the incident. (For purpose of brevity, the title of "Vice President" will refer to the vice president for Instruction and Student Services throughout this document.) The vice president shall resolve the matter in a timely fashion utilizing the steps outlined below in Section IV, C.

#### B. Responsibility for Implementation

The vice president is responsible for implementing student discipline procedures. In the event any discipline procedure conflicts with state or federal law, the state or federal law shall be followed. The vice president shall refer the discipline matter to the appropriate official as outlined by state or federal law.

#### C. Disciplinary Procedures

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

1. Charges: Any administrative official, faculty member, or student may file charges with the vice president against any student or student organization for violations of college regulations. The individual(s) making the charge must complete a charge form (available from the office of the vice president) stating:

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- a. Name of the student(s) involved.
  - b. Alleged Violation of the Standards of Student Conduct.
  - c. Time, place, and date of the incident.
  - d. Name of person(s) directly involved or witnesses to the infractions.
  - e. Any action taken that relates to the matter.
  - f. Desired solution(s).
2. Investigation and Decision: Within five (5) working days after the charge is filed, the vice president shall complete a preliminary investigation of the charge and shall schedule a meeting with the student. After discussing the alleged infraction with the student, the vice president may act as follows:
    - a. Drop the charges.
    - b. Impose a sanction consistent with those shown in Section V.
    - c. Refer the student to a college office or community agency for services.
  3. Notification: The decision of the vice president shall be presented to the student in writing immediately following the meeting with the student. In instances where the student cannot be reached to schedule an appointment with the vice president or where the student refuses to cooperate, the vice president shall send a certified letter to the student's last known address providing the student with a list of charges, the vice president's decision, and instructions governing the appeal process (Section VI).

### V. SANCTIONS

- A. Reprimand: A written communication which gives official notice to the student that any subsequent offense against the Standards of Student Conduct will carry heavier penalties because of this prior infraction.
- B. General Probation: An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: first, the individual is given a chance to show capability and willingness to observe the Standards of Student Conduct without further penalty; and second, if the individual errs again, further action will be taken. This probation will be in effect for no more than two (2) semesters.
- C. Restrictive Probation: Restrictive Probation results in loss of good standing and becomes a matter of record. Restrictive conditions may limit activity in the college community. Generally the individual will not be eligible for initiation into any local or national organization, and may not receive any college award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any college or student organization, publication, or activity. This sanction prohibits the student from officially representing the college or participating in any extracurricular activities including intramural competitions. This probation will be in effect for not less than two semesters. Any violation of Restrictive Probation may result in immediate suspension.
- D. Restitution: Paying for damaging, misusing, destroying or losing property belonging to the college, college personnel, or students. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.
- E. Interim Suspension: Exclusion from class and/or other privileges or activities as set forth in the notice, until a final decision has been made concerning the alleged

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- violation.
- F. Loss of Academic Credit or Grade: Imposed as a result of academic dishonesty.
  - G. Withholding Academic Records and/or the Right to Register: Withholding transcript, diploma, or the right to register or participate in graduation ceremonies imposed when financial obligations are not met or the student has a disciplinary case pending final disposition.
  - H. Suspension: Exclusion from class(es), and/or all other privileges or activities of the college for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation, or for repeated misconduct. Students who receive this sanction must get specific written permission from the vice president before returning to campus.
  - I. Expulsion: Dismissing a student from campus for an indefinite period losing student status. The student may be readmitted to the college only with the approval of the president.
  - J. Group Probation: This is given to a college club or other organized group for a specified period of time. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
  - K. Group Restriction: Removing college recognition during the semester in which the offense occurred or for a longer period (usually not more than one other semester). While under restriction, the group may not seek or add members, hold or sponsor events in the college community, or engage in other activities as specified.
  - L. Group Charter Revocation: Removal of college recognition for a group, club, society, or other organization for a minimum of two years. Recharter after that time must be approved by the president.

### VI. DISCIPLINARY APPEALS PROCEDURE

A student who disagrees with the decision of the vice president may request a hearing before the Disciplinary Review Committee. This request must be submitted in writing to the vice president within three working days after receipt of the vice president's decision. The vice president shall refer the matter to the Disciplinary Review Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student against whom the charge has been filed, and the relevant facts revealed by the vice president's investigation.

- A. Committee Composition Membership of the Disciplinary Review Committee is composed of the following:
  1. Three faculty/staff members appointed by the president.
  2. Three student members appointed by the Student Government Association and approved by the president.
  3. One administrator appointed by the president to serve as committee chairperson who will vote only in case of a tie.
  4. The vice president as an ex-officio, nonvoting member.
  5. Committee members will serve one year from the beginning of fall semester through summer term with replacements appointed by the president or SGA as necessary.
  6. At least two faculty/staff members and two students plus the chairperson must be present in order for the committee to conduct business.

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### B. Procedures for Hearings Before the Disciplinary Review Committee

#### 1. Procedural Responsibilities of the Vice President

The Disciplinary Review Committee must meet within ten working days of receipt of a request for a hearing. At least five working days prior to the date set for the hearing, the vice president shall send a certified letter to the student's last known address providing the student with the following information:

- a. A restatement of the charge or charges.
- b. The time and place of the hearing.
- c. A statement of the student's basic procedural rights.
- d. A list of witnesses.
- e. The names of the committee members.

On written request of the student, the hearing may be held prior to the expiration of the five-day notification period, if the vice president concurs with this change.

#### 2. Basic procedural rights of students include the following:

- a. The right to counsel. The role of the person acting as counsel is solely to advise the student. The counsel shall not address the committee.
- b. The right to produce witnesses on one's behalf.
- c. The right to request, in writing, the president to disqualify any member of the committee for prejudice or bias. (The request must contain reasons). A request for disqualification, if made, must be submitted at least three working days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved by the president.
- d. The right to present evidence.
- e. The right to know the identity of the person(s) bringing the charge(s).
- f. The right to hear witnesses on behalf of the person bringing the charges.
- g. The right to testify or to refuse to testify without such refusal being detrimental to the student.
- h. The right to appeal the decision of the committee to the president who will review the official record of the hearing. The appeal must be in writing and it must be made within five (5) working days of the completion of the hearing.

#### 3. The Conduct of the Committee Hearings

- a. Hearings before the committee shall be confidential and shall be closed to all persons except the following:
  - (1) The student.
  - (2) Counsels.
  - (3) Witnesses who shall:
    - (a) Give testimony singularly and in the absence of other witnesses.
    - (b) Leave the committee meeting room immediately upon completion of the testimony.
- b. The hearing will be tape recorded. Tapes will become the property of the college, and access to them will be determined by the chairperson of the committee and the vice president. All tapes will be filed in the office

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of the vice president.

- c. The committee shall have the authority to adopt supplementary rules of procedure consistent with this code.
- d. The committee shall have the authority to render written advisory opinions concerning the meaning and application of this code.
- e. Upon completion of a hearing, the committee shall meet in executive session to determine concurrence or nonconcurrence with the original finding and to recommend sanctions, if applicable.
- f. Decisions of the committee shall be made by majority vote.
- g. Within two working days after the decision of the committee, the vice president shall send a certified letter to the student's last known address providing the student with the committee's decision.

### C. Appeal to the President

A student who refuses to accept the findings of the committee may appeal in writing to the president within five working days after receipt of the committee's decision. The president shall have the authority to:

1. Review the findings of the proceedings of the committee.
2. Hear from the student, the vice president and the members of the committee before ruling on an appeal.
3. Approve, modify, or overturn the decision of the committee.
4. Inform the student in writing of the final decision within ten working days of the receipt of the appeal.

### D. Appeal to the Board of Trustees

Any party of the Disciplinary Review Committee hearing may request, in writing, a hearing before the Board of Trustees or a committee of the Board as an appeal of the president's decision within five working days of that decision. The Board of Trustees or a committee of the Board may review information to date and render a decision without the personal appearance before them of the parties of the Disciplinary Review Committee hearing or they may choose to have the parties involved in the hearing appear before them before rendering a decision. The decision of the board will be made within 20 working days and will be final.

## VII. STUDENT GRIEVANCE PROCEDURE FOR NON-ACADEMIC MATTERS

### A. Scope of Coverage

The purpose of the Student Grievance Procedure for Non-academic Matters is to provide a system to channel student complaints against faculty and staff concerning the following:

1. Alleged discrimination on the basis of age, sex, race, disability or other conditions, preferences or behavior, excluding sexual harassment complaints.
2. Any complaint of sexual harassment against an employee of the college will be addressed through the college sexual harassment policy (4.17.1). This procedure may be accessed through any administrative office of the College or the LRC. Complaints are directed to any one of the following:
  - a. Supervisor of the alleged offender
  - b. Vice President or Director for the appropriate division or department
  - c. Director of Human Resources and Facility Development

### B. Grievance Steps

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### 1. First Step

The student must go to the instructor or staff member where the alleged problem originated. An attempt will be made to resolve the matter equitably and informally at this level. The conference must take place within five working days of the incident which generated the complaint.

### 2. Second Step

If the grievance is not resolved at the informal conference, the student may file a written grievance. A grievance form shall be made available to the student by the vice president. The vice president will explain the grievance process to the student. The completed grievance form must be presented to the vice president within five working days after satisfying the first step in the grievance process. The vice president will then refer the grievance to the immediate supervisor involved. The supervisor shall respond in writing to the student within ten working days of receipt of the grievance form.

### 3. Third Step

If the written statement of the supervisor does not satisfy the grievant, a request to appear before the Student Grievance Committee for Non-academic Matters may be made. The student must submit a written request within five working days after receiving the written response of the supervisor. The request shall include a copy of the original grievance form and the reason why the supervisor's response is unsatisfactory. A copy of the supervisors response must be attached to the request by the student. The vice president shall notify immediately the president who shall insure that the Student Grievance Committee for Non-academic Matters is organized in a manner consistent with Section C of this procedure. The vice president will send copies of the appeal to the members of the committee, the employee, and the employee's supervisor. The employee against whom the grievance was filed shall be given an opportunity to respond in writing to the chairperson of the committee. Meeting(s) shall be conducted between five and 15 working days following the date of the request. A postponement may be granted by the chairperson upon written request of either party, if the reason stated justifies such action.

The committee shall hold interviews with the grievant, the employee, and the supervisor, singularly, and in the absence of other witnesses. The committee may interview any additional witnesses that it considers necessary to render a fair decision.

The committee shall decide by a majority vote the solution of the grievance. The Committee shall make written findings of fact, conclusions of law and recommendation for action. The chairperson shall forward a copy of the committee's decision to all parties involved and to the office of the president within two working days.

### 4. Fourth Step

The committee's decision may be appealed by either party involved to the president within ten working days of the committee's decision. The president shall review the committee's findings, conduct whatever additional inquiries that are deemed necessary, and will render a decision within ten working days of receipt of the appeal.

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### 5. Fifth Step

The president's decision may be appealed by either party involved to the Board of Trustees within ten working days of the president's decision. The Board of Trustees or a committee of the Board shall review any information to date, conduct whatever additional inquiries deemed necessary and render a decision within 20 working days of receipt of the appeal.

### C. The Student Grievance Committee for Non-academic Matters

The Disciplinary Review Committee may serve as the Student Grievance Committee for Non-academic Matters or, at the direction of the president, a new committee may be formed for each grievance. The committee makeup and method of appointment will be the same as for the Disciplinary Review Committee. This committee will not address academic complaints about grades, methods of instruction, or routine classroom policies and/or procedures.

### D. Rights of Parties Involved in a Grievance

When a meeting of the Student Grievance Committee for Non-academic Matters is scheduled, the parties involved are entitled to:

1. A written notice of the complaint.
2. A written notice of the time and place of the meeting. This notice shall be forwarded to all parties at least five working days prior to the meeting unless they waive this requirement.
3. Review all available evidence, documents, or exhibits that each party may present at the meeting.
4. Have access to the names of the witnesses who may testify.
5. Appear in person and present information on his or her behalf, call witnesses, and ask questions of any person present at the meeting.
6. The right to counsel. The role of the person acting as counsel is solely to advise the client. The counsel shall not address the committee.

## VIII. STUDENT GRIEVANCE PROCEDURE FOR ACADEMIC MATTERS

### A. Purpose

The purpose of the Student Grievance Procedure for Academic Matters is to channel student complaints about grades, methods of instruction, and/or classroom policies or procedures.

### B. Grievance Steps

1. The student must first discuss his or her complaint with the instructor at a mutually agreed upon time. If the complaint concerns a final grade in a course, the student must appeal this grade within the following academic term.
2. If the situation is not resolved, the student may appeal to the appropriate faculty supervisor.
3. If the situation is still not resolved, the student may then appeal to the vice president for Instructional Services or the vice president for Extension Education and Services as appropriate. The decision of the vice president is final.

NOTE: The regulations listed in this handbook do not apply to the Basic Law Enforcement Training (BLET) program. Students enrolled in BLET are subject to the rules and regulations mandated by the North Carolina Criminal Justice Education and Training Standards Commission.

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### SEXUAL HARASSMENT

#### 1. Introduction

Employees of the college have the right to expect a workplace free from sexual harassment. Students have the right to expect a learning environment free from sexual harassment. Employees are expected to conduct themselves in a manner that does not constitute sexual harassment of a fellow employee or student.

#### 2. Coverage

- a. This sexual harassment policy covers all persons employed by Southwestern Community College, regardless of classification or employment status. A complaint against an employee or agent of the college is covered by this policy.
- b. A complaint against a student is subject to the Student Code of Conduct found in this handbook.

#### 3. Definition

Requests for sexual favors and/or other unwelcome verbal or physical conduct of a sexual nature by an employee constitutes sexual harassment when:

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

#### 4. Consequences

In determining whether alleged conduct constitutes sexual harassment, the record as a whole will be considered, as well as the totality of the circumstances, such as the nature of the alleged conduct and the context in which it occurred. Any employee found to be in violation of this policy will be disciplined in accordance with Policy 4.20 Disciplinary Action, Suspension, and Dismissal.

#### 5. Retaliation

Retaliation by any employee of the college against a student or an employee for responsibly using the policy and its procedures is grounds for appropriate disciplinary action.

#### 6. False Allegations

Failure to substantiate a complaint is not equivalent to a false allegation. However, a false allegation brought forth with malicious intent or without regard for truth, will subject the complainant to disciplinary action.

#### 7. Complaint

An employee or student who feels sexually harassed is encouraged, but not required, to informally resolve the complaint directly. The employee or student may choose to circumvent this step and may request mediation or formally report a complaint through one of the following channels:

- a. Supervisor of the alleged offender
- b. Vice President or Director for the appropriate division or department
- c. Director of Human Resources and Facility Development

If upon investigation by the appropriate supervisor, a complaint warrants disciplinary action for prima facie sexual harassment, the supervisor may proceed to take the appropriate disciplinary action as outlined in policy 4.20 and

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procedure 4.21.1 - Disciplinary Action, Suspension and Dismissal.

If the responsible supervisor cannot determine the facts and merit of the complaint based upon prima facie evidence, then the complaint proceeds to a modified version of the Employee Grievance Procedure 4.23.1, outlined below.

### 8. Filing Requirements

Formal grievances must be filed in written form within 120 days of the action or decision being grieved. The grievance must be submitted to the Office of the President. The employee must include a specific written summary of all allegations and relevant documentation and a list of witnesses who can substantiate the allegations or documentation. All formal charges of sexual harassment must be reported to the Vice President for Administrative Services immediately for insurance reporting purposes.

### 9. Appointment of Hearing Panel

Within ten working days of receipt of the grievance, the President shall appoint a panel consisting of three employees chosen from the roster of full-time employees of the college. None may be from the same division of the college as the complainant or respondent. Any employee named as a party or witness is disqualified. The grievant and the respondent may each disqualify one person from serving if they feel that person cannot remain unbiased. The President will appoint employees to replace those disqualified from service or who decline to serve. The panel must elect one member to act as chairperson. The chairperson's responsibility is to facilitate the process.

### 10. Pre-Hearing Activities

The panel will decide by a majority vote any evidentiary dispute arising in the course of the deliberation.

- a. The respondent is the party named by the grievant as the person making the decision or action which is the basis of the grievance. The respondent shall be notified of the grievance by the Hearing Panel. The Hearing Panel shall request from the respondent a written summary providing any relevant documentation to substantiate the action(s) which are being appealed by the grievant. The hearing panel must share copies of the grievance statements with both parties. The respondent shall have ten working days in which to respond.
- b. Pre-hearing conferences may be held at the discretion of the hearing panel. The hearing panel may request additional information about the nature of the grievance, the redress sought, and the identity of all involved parties; give information about the nature of the hearing procedures and the rights of third party observers.
- c. Amending the Grievance - the grievance can be amended by the grievant only until the hearing panel convenes the formal hearing. At the pre-hearing conference, the hearing panel may advise the grievant that the matter is a non-grievable issue and allow an amendment to the grievance statement.
- d. If an issue is not properly grievable, the hearing panel must prepare a report that the grievance be dismissed and state such reasons.
- e. A grievance may be withdrawn by the grievant at any stage of the grievance process.

### 11. Hearings

All hearing shall be conducted in accordance with the following guidelines:

- A. The hearing panel will decide and communicate:
  1. Order of testimony presentation
  2. Admissibility of evidence

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3. Procedure for questioning the parties and witnesses
4. Allowance and relevance of questions
  - a. Heresy evidence may only be admitted if the source of that information is revealed so that the person(s) can be requested to appear
  - b. The hearing panel should not allow any questioning that is irrelevant, unduly repetitious, or abusive
5. Attendance of persons at the hearing
  - a. Grievance hearings are confidential as provided by state law
  - b. Grievance hearings are not open to spectators
  - c. The grievant is allowed one third party observer and the respondent is allowed one third party observer
  - d. Third party observer may be an attorney, but may not address the panel, present witnesses, question witnesses or parties, or present evidence.
- B. Official Record - the hearing panel will maintain the official record. The official record will consist of tape recordings of the hearing, numbered copies of records, documents, and statements.
12. Findings of the Hearing Panel - The hearing panel shall prepare a report of their findings within ten working days from the conclusion of the hearing.
  - a. The report shall state a separate finding for each particular item of grievance.
  - b. The findings should resolve the material issues of fact that have been disputed.
  - c. Recommend action(s) for the President to take
  - d. The report shall include any minority views of a panel member
13. Response of the President - The President shall receive the report of findings from the hearing panel along with the official record of the hearing. The President may accept, modify, or set aside the recommendations of the hearing panel. The President will inform all parties involved and the hearing panel of his or her decision within 15 working days.

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### **TRAFFIC CODE**

#### **GENERAL PROVISIONS**

Under the provision of North Carolina Statute 115D-21, the following Traffic Code shall be enforced at Southwestern Community College.

#### **ARTICLE I**

All of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State of North Carolina in the operation of motor vehicles thereon shall apply to the streets, roads, alleys and driveways of the campus of Southwestern Community College along with all other rules and regulations approved by the Board of Trustees as follows:

#### **ARTICLE II**

These rules and regulations shall apply on a 24 hour basis to operators of all vehicles, public or private while operating a vehicle on the campus of Southwestern Community College.

#### **ARTICLE III**

The operator of any vehicle on the campus of Southwestern Community College shall comply with the legal instructions of any Campus Resource Officer and all traffic signs in accordance with the provision of these regulations. **THE RESPONSIBILITY OF FINDING A LEGAL PARKING SPACE RESTS WITH THE MOTOR VEHICLE OPERATOR. LACK OF SPACE IS NOT CONSIDERED EXCUSE FOR VIOLATION OF PARKING REGULATIONS.** The college shall be responsible for ensuring that the necessary signs are erected and maintained to carry out the intent of these regulations.

#### **ARTICLE IV**

The college shall ensure that information about operating a motor vehicle on Southwestern Community College's campus is given out at every student orientation and registration. Each student shall have an opportunity to obtain a copy of the Traffic Code. A copy of the Traffic Code shall be included in all Student Handbooks. Failure to obtain such a copy is not, however, an excuse for violation of the Traffic Code.

#### **ARTICLE V**

All vehicles to be operated on campus should be properly registered and display a parking decal on the rear of the vehicle. (The right rear bumper is the preferred location.) Students, faculty, and staff are expected to register their vehicles. Parking decals are obtained normally during registration, but may be secured from the Business Office at other times.

### **SPECIFIC PROVISIONS**

#### **ARTICLE VI**

- A. Citations will be issued for violations of the Southwestern Community College Traffic Code.
- B. The person to whom a vehicle parking decal is issued shall be responsible for all parking and traffic violations of the vehicle for which the permit is issued. (Temporary parking permits can be obtained at any administrative office of the College). Bicycles, motorcycles and mopeds shall be considered vehicles subject to this same traffic code.

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- C. Campus Resource Officers shall have the authority to issue citations for all moving vehicle violations and handicapped parking violations as outlined in Article VII. N.C.G.S. ‘ 115D-21.1. Such moving violations include, but are not limited to:
  - 1. Reckless driving.
  - 2. Driving in excess of posted speed limits.
  - 3. Failure to obey traffic signs.
  - 4. Failure to obey directions of Campus Resource Officers.
  - 5. Failure to yield right of way at pedestrian crossings.
  - 6. Following too closely.
  - 7. Driving under the influence of alcohol or narcotics.
  - 8. Failure to yield right of way to emergency vehicles.
  - 9. Operating a vehicle in any manner that creates a safety hazard.
- D. Campus Resource Officers and full-time SCC employees shall have the authority to enforce all parking violations except that only Campus Resource Officers shall have the authority to issue citations for handicapped parking violations. Such parking violations include, but are not limited to:
  - 1. Parking in a restricted parking lot or zone.
  - 2. Parking on grass (unless signs indicate this is permissible).
  - 3. Blocking any legally parked vehicle.
  - 4. Parking in a no parking zone.
  - 5. Parking in a “visitor” zone.
  - 6. Affixing a parking decal/permit to a vehicle other than that for which it was issued.
  - 7. Parking against traffic flow.
  - 8. Blocking or obstructing traffic, street, crosswalk, sidewalk, fire hydrant, building entrance or exit, or another vehicle properly parked.
  - 9. Protruding into a lane of traffic.
  - 10. Double parking.
  - 11. Parking on shoulder of road  
(except where parking is indicated by official signs).
  - 12. Failure of two-wheeled vehicles to park in areas designated for them.
  - 13. Parking a vehicle in any manner that creates a safety hazard.
  - 14. Leaving a vehicle on campus overnight without notifying a Campus Resource Officer.

### ARTICLE VII

The following system of citations shall be used:

- A. Campus Resource Officers have the authority to issue citations for all moving vehicle violations and handicapped parking violations.
- B. A fine shall be imposed for each moving or handicap parking violation to the extent allowed by law - N.C.G.S. ‘ 115D-21; ‘ 20-37.6(f)(1).
- C. The Campus Resource Officer issuing the citation will advise the violator of the scheduled court date and procedure for payment of the fine.

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### ARTICLE VIII

For all parking violations, except for handicapped parking violations, the following rules shall apply:

- A. A first violation shall result in a written warning placed on the vehicle with a follow-up letter from the Vice President for Administrative Services mailed to the vehicle's owner. This written warning and letter shall state the reason cited for the parking violation and consequences of future violations.
- B. A second violation can result in vehicle immobilization and restricted parking to Lot A for the remainder of the semester. A written notice will be placed on the vehicle instructing the vehicle's operator not to move the vehicle and the College shall not be responsible for any damage should the vehicle be moved. The vehicle's operator should go to the Business Office to have the immobilization device removed.
- C. A third violation can result in the vehicle's towing and loss of parking privileges on campus for the remainder of the academic year.
- D. During the first two (2) class days of each semester, warning tickets shall be issued for improper parking. Beginning with the third class day, the rules outlined herein shall be enforced. Students in classes that start mid-semester shall have the same two day grace period, but will have to file an appeal of any ticket received.
- E. All of those provisions detailed in North Carolina General Statutes ' 115D-20, 21 are in full force.
- F. Faculty and staff shall be subject to disciplinary policies and procedures found in 4.20 and 4.21.1 - Disciplinary Action, Suspension and Dismissal.
- G. All vehicles blocking a drive, obstructing the flow of traffic, creating a safety hazard, parked in a fire lane, loading zone, or designated tow-away zone are subject to tow-away or immobilization by a restraining device at the full expense of the owner per authority given to the Board of Trustees in Chapter 115D of the North Carolina General Statutes.

### APPEAL PROCESS

#### ARTICLE IX

Individuals receiving a notice of parking violations or penalties, excluding handicapped parking, resulting from alleged violations of this policy may do any of the following:

- A. Adhere to the parking violation penalty, or
- B. Appeal in person or in writing to the Vice President for Administrative Services within ten calendar days of the notice of violation or penalty. The decision of the Vice President for Administrative Services will be final.