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the committee and the vice president. All tapes will be filed in the office 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

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B. Grievance Steps

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 supervisor's 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

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working days of receipt of the appeal.

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 DevelopmentIf 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.

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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
 - 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.