

VIRGINIA WESTERN COMMUNITY COLLEGE

I – ACADEMIC & STUDENT AFFAIRS POLICIES

I-21 –STUDENT CONDUCT

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**Policy Number: I-21**

**Last Reviewed: October 18, 2017**

**Responsible Dept.: DEAN OF STUDENT SERVICES**

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## **Student Rights and Responsibilities**

Virginia Western Community College holds certain expectations of students to share the responsibility of maintaining a safe, secure, and honest academic environment.

By applying for admission to the College, each student agrees to abide by the policies and procedures governing student conduct. The statement below outlines the rights each student has as a member of the college community as well as the responsibilities each student has to continue within that community.

Each student has the privilege of exercising his or her rights without fear of prejudice provided he/she respects the laws of the Commonwealth, the policies of Virginia Western and the rights of others on campus. Such rights include the following:

- Students are free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on campus are provided through the curricula offered by the college.
- No disciplinary sanctions may be imposed without due process, except as provided in the Student Conduct Policy below.
- Students have the right to freedom of expression, inquiry, and assembly provided actions do not interfere with the rights of others or the effective operation of the college.
- Academic evaluation of student performance shall be fair, not arbitrary or inconsistent.
- Members of the college community, including students, have the right to expect safety, protection of property, and the continuity of the educational process.

Each student, as a responsible adult, shall maintain standards of conduct appropriate to membership in the college community. Such responsibilities include the following:

- Each student has the responsibility to demonstrate respect for his or herself as well as faculty, staff and other students.
- Each student has the responsibility to know, understand, and abide by the regulations and policies of the college.
- Each student has the responsibility to pay all fines and debts to the college.
- Each student has the responsibility to maintain academic integrity and abide by the academic honesty policy of the college.

## **Student Conduct**

Disorderly conduct threatens a productive academic environment and will not be tolerated. Disciplinary action by the College shall be limited to conduct that adversely affects the college community's pursuit of its educational objectives.

## Misconduct

Violations of the following list of conduct violations, which is not all-inclusive, are subject to disciplinary action.

1. **Threat to Health or Safety:** When the student's continued presence at the college is deemed to constitute a threat to the health, safety or welfare of members of the campus community.
2. **Bomb Threat, Fire Alarm, Hoax:** When the student activates a fire or lockdown alarm without cause, or makes a threat to bomb or damage college property, students, faculty, staff, or visitors; or undertakes a hoax involving use of a supposedly destructive device or substance; or encourages, incites, or solicits any person to commit such a threat or such an act.
3. **Weapons:** When the student possesses, on his or her person, or uses weapons, to include guns, knives, or other dangerous objects. No weapons are permitted on campus.
4. **Theft:** When the student engages in theft, larceny, embezzlement, or the temporary taking of the property of another without consent.
5. **Riot:** When the student incites or engages in a riot or a disorderly assembly.
6. **Drugs:** When the student engages in the possession, use, sale or manufacture of illegal or controlled substances.
7. **Forgery:** When the student forges, alters, misuses, or falsifies college documents or records.
8. **Computer Security:** When the student makes unauthorized use of computer resources, or makes unauthorized efforts to penetrate or modify any computing hardware or software.
9. **Disruption:** Disruption of a classroom, laboratory, library, office, hallway, public student space, such as the student center, meeting or hearing.
10. **Failure to Comply:** Failure to comply with a college official appropriately acting in the performance of his or her duties.
11. **Verbal Abuse:** When the student utters obscene words or engages in verbal abuse that constitutes harassment of others.
12. **Assault, Battery, Fighting:** When the student engages in non-sexual assault, battery, or fighting.
13. **Harassment:** When the student engages in psychological abuse, racial, or other non-sexual harassment.
14. **Property Destruction:** When the student destroys, damages, defaces, or misuses public or private property, including, but not limited to, any intentional or unintentional discharge of hazardous or non-hazardous material(s) or debris on Campus property.
15. **Illegal Entry:** When the student illegally enters or occupies state property.
16. **Gambling:** When the student engages in unlawful gambling or gaming.
17. **Alcoholic Beverages:** When the student possesses or consumes alcoholic beverages or is legally intoxicated.

18. **Criminal Charges:** When the student is formally charged with the commission of a crime.
19. **Misuse of Federal Funds:** When the student uses federal funds for someone other than him/herself or uses funds in a way that does not support his/her own educational endeavors.
20. **Electronic Bullying:** When a student uses Facebook, or any other type of social media, to intimidate or bully a student, faculty or staff member.
21. **Impersonation or Assuming a False Identity:** When a student impersonates a college employee or falsely identifies him/herself.
22. **Sexual Misconduct:** Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, and sexual violence. Please see Virginia Western's Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy (Policy I-46) for additional information on sexual misconduct.

## Policy Procedure and Sanctions

Any staff, administrative official, faculty member, or student may file a written complaint against any student for misconduct by using the *Report of Student Misconduct Form*.

### Investigation

The Dean of Student Services (or designee) will initiate an investigation into the charges. If the Dean of Student Services believes that the alleged violation presents an immediate danger to the college community, the issue will be immediately referred to the Care/Threat Assessment Team. Please see the Care/Threat Assessment Process in the next section.

If not referred to the Care/Threat Assessment Team, the accused student will be contacted by the Dean of Student Services (or designee) via student email to schedule a meeting time to discuss the alleged violation. The discussion will include the nature and sources of the charges and the student's rights and responsibilities. As part of the review, the Dean of Student Services (or designee) will determine if the nature of the allegations justifies a sanction that affects the student's right to an education. If so, the alleged violations will be referred to the Student Conduct Committee. If the nature of the allegations does not justify sanctions that would affect the student's right to an education, the Dean has the option to impose a disciplinary sanction, refer the matter to the Student Conduct Committee, or dismissing the charges as unfounded. The student will be notified of the decision in writing, via student email within ten business days of the initial meeting between the Dean and the student. A record of this decision will be forwarded to the Vice President of Academic and Student Affairs. Throughout the investigation, the student may continue to attend classes.

### Disciplinary Sanctions

Administrative actions available to the Dean of Student Services are as follows:

- Warning
- Restitution for damages
- Exclusion from college extracurricular activities
- Refer to Care/Threat Assessment Team
- Refer to Student Conduct Committee

### Appeals Procedure (Dean's Adjudication)

A decision of the Dean of Student Services (or designee) may be appealed to the Vice President of Academic and Student Affairs. The *Vice President Appeal – Dean's Adjudication Form* must be completed and be received by the Vice President's office within five business days after the decision of the Dean. The

Vice President will review the written record and reach a determination. The decision of the Vice President of Academic and Student Affairs is final.

### **Student Conduct Committee Procedure**

Charges that have not been dismissed or have not received a sanction from the Dean of Student Services (or designee) will be referred to the Student Conduct Committee. The Student Conduct Committee procedure, outlined at the end of this section, will then be followed. If there are pending criminal charges associated with the misconduct charge, the Student Conduct Committee procedure may begin after the criminal charges are resolved.

### **Disciplinary Sanctions**

Disciplinary sanctions available to the Student Conduct Committee are listed below.

- Warning: Notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may cause more severe disciplinary action;
- Exclusion from college extracurricular activities;
- Suspension: Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time not to exceed two years;
- Expulsion: Termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the order of expulsion; or
- Return the student to former status.

All decisions of the Student Conduct Committee will be reviewed by the Dean of Student Services (or designee) prior to submission of the final report of the Committee. If there is a need to revisit the sanctions imposed, the Committee Chair will ask for a voice vote by e-mail notification. The Dean of Student Services (or designee) will contact the student in writing via Virginia Western email with the final decision of the Student Conduct Committee.

All incidents of academic misconduct are recorded electronically on the log of incidents kept by the Dean of Student Services (or designee) and the hard copies of documentation will remain on file in the office of the Dean of Student Services for five years. Hard copies of reports will be destroyed at the end of the five-year period. Electronic copies and log are housed and kept indefinitely.

A warning received for student misconduct will not be included in the student's educational record; however, all other disciplinary sanctions listed above will be a part of the student's educational record.

### **Appeals Procedure (Conduct Committee)**

A decision of the Student Conduct Committee on student misconduct may be appealed to the Vice President of Academic and Student Affairs. The *Vice President Appeal – Student Conduct Committee Form* must be completed and be received by the Vice President's office within five business days after notification of the Student Conduct Committee's decision from the Dean of Student Services (or designee). The Vice President will review the written record and reach a determination. The decision of the Vice President of Academic and Student Affairs is final.

### **Appeals Process for Care/Threat Assessment Team Dismissal**

If a student wishes to appeal a Care/Threat Assessment Team dismissal, he/she must submit the *Care/Threat Assessment Team Dismissal Appeal Form* to the Dean of Student Services (or designee) within five business days of notification of a Care/Threat Assessment Team sanction. The Dean of Student Services will notify the Vice President of Academic and Student Affairs that the student has appealed. The

Vice President of Academic and Student Affairs will review the written record and make one of the following decisions:

- Support decision of Care/Threat Assessment Team
- Warning
- Suspension
- Expulsion

The decision of Vice President of Academic and Student Affairs is final; there are no further appeals in a Care/Threat Assessment Team dismissal. A student may not attend classes if dismissed by the Care/Threat Team even if appealing the decision. For additional information on the Care/Threat Assessment Team, please see the Campus and Workplace Violence Prevention Policy.

## Academic Misconduct

Violations of the following list of academic misconduct actions, which is not all-inclusive, are subject to disciplinary action.

1. Cheating on an examination or quiz — either giving or receiving information
2. Copying information from another person for graded assignments
3. Possessing unauthorized materials during tests
4. Collaboration during examinations
5. Buying, selling, providing or stealing papers, examinations, or other work to be submitted for a class
6. Substituting for another person, or arranging such a substitution for yourself
7. Plagiarism—the intentional or accidental presentation of another’s words or ideas as your own. Students should familiarize themselves with the description of plagiarism found in their English handbooks, their English class syllabi, or in writing manuals available in the library. **Ignorance of what constitutes plagiarism is not a defense for such a serious infraction.**
8. Submission of work other than one’s own for written assignments
9. Collusion with another person or persons in submitting work for credit in class or lab, unless such collaboration is approved in advance by the instructor
10. Falsifying documentation
11. Multiple Submissions—It is a violation of academic honesty to submit substantial portions of the same work for credit more than once without the explicit consent of the instructor to whom the material is being submitted

## Policy, Procedure, and Sanctions

**Faculty members who have evidence of academic misconduct will**

1. Investigate the matter.

2. Review the facts of the matter and the proposed penalty with the appropriate academic dean.
3. Faculty may then take one or more of the following actions (this information should be included on the class syllabus):
  - a. Require the work to be accomplished again
  - b. Award a grade of zero (0) for the test, paper or exercise
  - c. Assign a grade of F for the course
4. Send the student a copy of the Academic Misconduct Notification Letter by Virginia Western email or hand delivery within seven business days of becoming aware of the misconduct. The letter should include the charges and sanctions, notify the student that a Report of Academic Misconduct will be filed with the academic Dean, and inform the student of the appeal process.
5. Complete a Report of Academic Misconduct Form. A copy of this report, a copy of the Academic Misconduct Notification Letter, and all supporting documentation, should be forwarded to the office of the Dean of Student Services. The incident will be recorded on the log kept by the office of Dean of Student Services and the hard copy will remain on file in the office of the Dean of Student Services for five years. The report will be destroyed at the end of the five-year period. Electronic copies and log are housed and kept indefinitely. This information becomes a part of the students' educational record but is not included on academic transcripts.

### **First Incident of Academic Misconduct**

If this is the first incident of academic misconduct, the instructor's sanction will be the only penalty. The incident will be recorded on the log kept by the office of Dean of Student Services and the hard copy will remain on file in the office of the Dean of Student Services for five years. The report will be destroyed at the end of the five-year period. Electronic copies and log are housed and kept indefinitely. This information becomes a part of the students' educational record but is not included on academic transcripts.

Exceptions include:

- (1) In the case of a restricted enrollment program, if a signed agreement for entry into the program has specific clauses about the penalties for academic misconduct or the penalties are defined in the program's student handbook, those will be followed in addition to or instead of the instructor's sanction.
- (2) In cases of falsified documentation, the case will be referred directly to the Dean of Student Services (or designee) for a conduct committee hearing.

### **Appeals process for first incident of Academic Misconduct**

If a student wishes to appeal a first incident of academic misconduct made by a faculty member, he/she must complete the Appeal of First Incident of Academic Misconduct Form. The form should be submitted to the office of Dean of Student Services within five business days of being notified of the charge by the faculty member. Students may still attend class while making an appeal of academic misconduct to the student conduct committee. A Student Conduct Committee hearing will be held to hear the appeal.

Possible sanctions include:

- Support the penalty imposed by the faculty member
- Award a grade of zero (0) for the test, paper or exercise
- Assign a grade of F for the course
- Require the work to be accomplished again
- Return the student to former status.

Unless the committee returns the student to former status, the report will become a part of the student's educational record at Virginia Western Community College.

All decisions of the Student Conduct Committee will be reviewed by the Dean of Student Services (or designee) prior to notifying the student of the decision. If there is a need to revisit the sanctions imposed, the Committee Chair will ask for a voice vote by e-mail notification within five business days of the review

of the Dean. The Dean of Student Services (or designee) will contact the student in writing via Virginia Western email account with the decision of the Student Conduct Committee.

### **Second Incident of Academic Misconduct**

In the case of a second incident of academic misconduct, defined by two reports being filed in the office of the Dean of Student Services, the Dean of Student Services (or designee) will refer the case to the Student Conduct Committee to be heard. The committee may take one of the following actions.

- Support the penalty imposed by the faculty member
- Award a grade of zero (0) for the test, paper or exercise
- Assign a grade of F for the course
- Require the work to be accomplished again
- Suspension from the college
- Expulsion
- Return the student to former status

Unless the committee returns the student to former status, the report will become a part of the student's educational record at Virginia Western Community College.

All decisions of the Student Conduct Committee will be reviewed by the Dean of Student Services (or designee) prior to notifying the student of the decision. If there is a need to revisit the sanctions imposed, the Committee Chair will ask for a voice vote by e-mail notification within five business days of the review of the Dean. The Dean of Student Services (or designee) will contact the student in writing via Virginia Western email account with the decision of the Student Conduct Committee.

### **Third Incident of Academic Misconduct**

In the case of a third incident of academic misconduct, defined by three reports being filed in the office of the Dean of Student Services, the case will be referred to the Dean of Student Services (or designee) to be heard by the Student Conduct Committee. The decision of the committee will become part of the student's educational record. The committee may take one of the following actions:

- Suspension
- Expulsion
- Return the student to former status

Unless the committee returns the student to former status, the report will become a part of the student's educational record at Virginia Western Community College.

All decisions of the Student Conduct Committee will be reviewed by the Dean of Student Services (or designee) prior to notifying the student of the decision. If there is a need to revisit the sanctions imposed, the Committee Chair will ask for a voice vote by e-mail notification within five business days of the review of the Dean. The Dean of Student Services (or designee) will contact the student in writing via Virginia Western email account with the decision of the Student Conduct Committee.

In the case of a second or third offense, all appeals for previous offenses must be completed before hearings are held on those charges.

### **Three or More Incidents of Misconduct**

If a student receives a total of three or more misconduct reports (academic, student, or a combination of both) then the student will automatically be referred to the Student Conduct committee. Disciplinary sanctions available to the Student Conduct Committee are listed below.

- Suspension: Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time not to exceed two years

- Expulsion: Termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the order of expulsion

## **Student Conduct Committee Procedure**

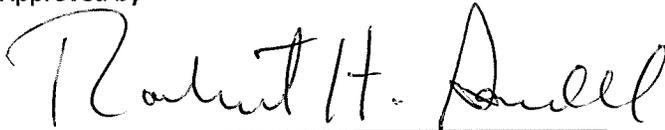
The Student Conduct Committee will be convened for student misconduct and academic misconduct allegations on the recommendation of the Dean of Student Services (or designee). The following procedure will be followed:

1. Within five business days of the recommendation of a hearing by the Dean of Student Services (or designee), the student will be sent written notification of the charges and student rights. The written notification will be sent to the student's Virginia Western email account.
2. From the date the notification is emailed to the student's Virginia Western email address, the student will have five business days to respond to the charges.
3. A date for the hearing will be scheduled and reported in writing to the student within ten business days of receipt of the student's response or the end of the period given for the student to respond. The hearing date will be no more than thirty calendar days from the date the hearing notification is emailed. This period may be extended under reasonable circumstances at the discretion of the Dean of Student Services (or designee).
4. The hearing will be held whether or not the student responds and/or is present.
5. If the student is unable to make the hearing date for good cause, he/she should contact the Chair of the Student Conduct committee within five business days of receiving the hearing notification to reschedule the hearing.
6. The Student Conduct Committee will consist of a quorum of three or more members, including the chairperson, elected or appointed at the beginning of the academic year. Substitutions for members who are unavailable may be made by the Student Conduct Committee Chair.
7. The accused student has the right to be advised by counsel or an advisor who may come from within or outside the institution. Counsel may be present at the hearing and may advise the student during the hearing, but will not be allowed to address the committee.
8. The hearing will begin no later than five minutes after the appointed time, with or without the student and his or her counsel present, as long as a quorum of college representatives is present.
9. A transcript will be kept of the proceedings. Written transcripts will be retained in the Office of the Dean of Student Services for five years. Electronic copies and the conduct log are stored indefinitely.
10. The following format will be followed:
  - a. The committee chair will state the purpose.
  - b. All persons present will introduce themselves.
  - c. The committee chair will present the charges.
  - d. The committee chair will present possible sanctions.
  - e. The committee chair will ask involved members of the college to speak.
  - f. The student may ask questions of speakers after all have presented their case.
  - g. The committee may ask questions of the speakers.
  - h. The student will be asked to speak.
  - i. The committee may ask questions of the student or college representatives.
  - j. All parties except the Student Conduct Committee will be excused, so the committee can discuss the case in private.

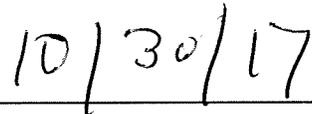
- k. A vote will be taken of Student Conduct Committee members. The chair is a voting member. A decision will be made by a simple majority vote.
  - l. Written recommendation will be made by the Student Conduct Committee to the Dean of Student Services.
  - m. Within five business days of receipt of the committee's recommendation, the Dean of Student Services (or designee) shall act on the recommendations and provide written notification via Virginia Western student email to the student and the Student Conduct Committee of the decision.
11. Findings of the Student Conduct Committee may be appealed to the Vice President of Academic and Student Affairs. The *Vice President Appeal – Student Conduct Committee Form* must be completed and be received by the Vice President's office within five business days after the student is notified of the committee's decision. The Vice President will review the written record and reach a determination.
12. The decision of the Vice President of Academic Affairs is final. There are no further appeals in student misconduct or academic misconduct cases.
13. The student will be allowed to continue with the class until the decision is finalized. However, if no decision is made by the end of the academic semester, an interim grade of "I" (Incomplete) will be issued. Once a student conduct committee decision is made and the student is suspended, dismissed, expelled or fails the course then the student is not allowed to continue to attend class unless appealing to the Vice President of Academic and Student Affairs.

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Approved by



Robert H. Sandel, Ed.D.  
President



Date