

## IV-3.1 Non-Academic Issues

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### IV-3.1.1 Student Code of Conduct

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Students may not violate the Student Code of Conduct on Guilford Technical Community College premises or at GTCC sponsored classes or events that occur off-campus. Students who violate the Student Code of Conduct will be subject to disciplinary action under this policy.

The college reserves the right to investigate and apply appropriate sanctions for conduct violations that occur off-campus if they are likely to impact the educational environment. Students have the right to appeal disciplinary actions under this policy. Student complaints unrelated to alleged violations of student conduct are addressed in policy *IV-1.1.8 Student Complaint*.

#### Procedure

##### 1. Appropriate Behavior and Misconduct

As GTCC Titans, we affirm that students have a duty to conduct themselves with civility and respect toward one another at all times. It can be difficult to understand what this means in practice when one is in the middle of an unexpected situation. Appropriate conduct is described and prohibited conduct is defined in the following sections.

##### A. Alcohol and Drugs

Students are expected to conduct their business with the college without being inappropriately influenced by alcohol, non-prescription drugs, or controlled pharmaceuticals. They are expected to abstain from smoking and related behaviors while on college property or at college-sponsored events. Substance-related violations of this code include the following items:

- 1) Alcohol — Possessing, manufacturing, using, distributing, selling or being under the influence of alcohol on college premises, at any college-sponsored activity, or in college-owned vehicles.
- 2) Drugs — Possessing, manufacturing, using, distributing, selling or being under the influence of any controlled substance in violation of any local, state, or federal law on college premises, at any college-sponsored activity (to include athletic events), or in college-owned vehicles. Controlled substances include but are not limited to heroin, marijuana, hallucinogens, cocaine, PCP, methamphetamine, and prescription drugs not prescribed for the individual by a licensed physician or not taken as prescribed. See *I-2.1.3 Drug-Free Workplace*.
- 3) Smoking — Smoking, vaping, or using any form of tobacco/nicotine product on any GTCC campus. See *I.1.1.3 Smoking and Tobacco Use*.

##### B. Failure to Comply or to Disclose Information

Students are expected to demonstrate honesty in all dealings at the college. They are expected to comply with reasonable directions from college officials and to contribute to the success of college activities. Students are expected to resolve disagreements amicably, with assistance from college officials if needed. Students who come to the college with a history of disciplinary or court-mandated probation should be prepared to report it to the college and to understand what behavior(s) will violate it. Behavioral violations of this code include the following items:

- 1) Failure to Comply with Directions — Failure to comply with the instructions or

- directions of college employees acting in the performance of their duties.
- 2) Failure to Comply with a Program or Syllabus — Failure to comply with academic program handbook requirements or syllabus directives can be considered a violation of this code of conduct.
  - 3) Failure to Disclose Prior Conduct — Failure to disclose findings of responsibility for a policy violation as a student at another institution when applying to the college. Failure to provide timely disclosure to the college in writing of one's status on an offender registry. Failure to provide timely disclosure to the college in writing of a restraining order or other legal restriction, such as probation, that may affect one's ability to participate in college activities. "Timely" in this paragraph shall mean at the time of enrollment for existing circumstances or during the semester in which subsequent circumstances occur.
  - 4) Probation Violation — Violation of the terms of disciplinary or court-mandated probation during the period of probation.

#### C. Misuse of Identification or College Resources

Students are expected to demonstrate respect for the college's physical environment—the buildings, open spaces, and infrastructure. This means abiding by hours of operation and closure notices as well as helping to ensure that facilities are accessible for their intended use during operating hours. Students are expected to leave others' belongings alone, to treat college resources such as books and equipment in ways which do not cause physical damage, and to immediately report damaged items to area officials.

- 1) Abuse of Property — Theft, misuse, damage, or defacement of college property, property of a member of the college community; or property of a campus visitor on college premises or at college functions.
- 2) Abuse of Spaces or Facilities — Occupation or seizure in any manner of college buildings, a college facility, or any portion thereof for a use inconsistent with those that are prescribed or authorized. See *I-1.1.5 Free Speech and Public Assembly*.
- 3) Computer or Network Misconduct — Misuse of college computer time or equipment including, but not limited to, unauthorized entry into a file; unauthorized transfer of a file; unauthorized use of another's identification or password; use of computing facilities to interfere with another student, college employee or administrator; use of computing facilities to send obscene or abusive messages; and use of computing facilities to interfere with normal operation of the college. See *II-2.1.2 Internet Acceptable Use*.
- 4) Deception — Forgery, alteration, or misuse of college documents, records, or instruments of identification. Providing false information to any college official via such means. Lying to a college official in an attempt to acquire a positive outcome or to avoid a negative outcome. Creating unauthorized copies of any document used for student assessment.
- 5) Fire Alarm or Fire Equipment Misuse — 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.
- 6) Trespass — Unauthorized entry upon the property of the college or into a college facility or portion thereof which has been restricted (i.e. placed off limits); unauthorized presence in a college facility outside of operational hours.

- 7) Gambling — Charging college community members money to participate in a game of chance where the only goal is personal enrichment. Attempting to run a betting pool or gaming book as an on-campus enterprise. Full details on statewide gambling restrictions can be found in [Subchapter XI, Article 37 of the NC General Statutes \(§14-292, §14-309.15\)](#).

#### D. Discrimination and Harassment

Students are expected to respect their peers' persons, rights, and wishes as much as is possible and practical. Students are expected to refrain from unprotected speech and expression such as defamation, incitement, and harassment. Harassment violations of this code are defined thusly:

- Harassment — Unsolicited or unwelcome acts, comments, or retaliatory behaviors which interfere or are intended to interfere with a member of the college community's involvement in an aspect of the college environment. Harassment may be non-sex-related or it may be unwanted sex-based behavior that does not rise to the threshold of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity. See *I-2.1.6 Sexual Harassment, Sexual Violence and Anti-Harassment*.

#### E. Campus Safety

Students are expected to act in ways that improve the safety and foster the health of the college community. This means abiding by safety requirements in various areas and coming to campus and to sponsored events without weapons. Health and Safety violations of this code include the following items:

- 1) Aiding Others' Misconduct — Assisting other students in violating the student code of conduct is a violation of the student code of conduct.
- 2) Assault — Assault on any member of the college community, including physical actions which threaten or endanger the health or safety of any such persons. See *I-2.1.4 Anti-violence and Threat Assessment* policy. Assault may be non-sex-related or it may be unwanted sex-based behavior that does not meet the Title IX criteria for sexual assault, dating violence, domestic violence, or stalking. See *I-2.1.6 Sexual Harassment, Sexual Violence and Anti-Harassment*.
- 3) Bomb Threats — Issuing a bomb threat.
- 4) Cars — Violation of college regulations regarding the operation and parking of motor vehicles. Full details of parking regulations at GTCC can be found on the '[Traffic and Parking Information](#)' page of the college's public website: [GTCC >> Student Life >> Campus Safety and Police >> Transportation and Parking Information](#).
- 5) Civil Unrest — Participating in or conducting an assembly, demonstration, or gathering in a manner which threatens or causes injury to people or property; which interferes with free access to college facilities; or which is harmful, obstructive or disruptive to the educational process of the college. Remaining at the scene of such an assembly after being asked to leave by a college employee will be considered participation. See *I-1.1.5 Free Speech and Public Assembly*.
- 6) Disruption or Obstruction — Interfering with, halting, blocking, or in any way delaying study, teaching, research, administration, disciplinary proceedings, or other college activities including public service functions and other duly authorized events

on college premises.

- 7) Illegal Acts — Violation of local, state, or federal criminal law on college premises or at college-sponsored events can be considered a violation of this code of conduct.
- 8) Lewd or Indecent Conduct — Physical or verbal action; distribution of obscene or libelous material; or behavior which may cause a material and substantial disruption of school activities based on indecent content.
- 9) Safety Violation — Behavior which conflicts with the safety of others or which conflicts with safety rules for the area in a class, lab, shop, or other educational setting.
- 10) Threats (Not Sex-Based) — Communicating a non-sexual threat to any member of the college community, including verbal or written statements which threaten or endanger the health or safety of any such persons. See *I-2.1.4 Anti-violence and Threat Assessment*.
- 11) Weapons — Possession of a weapon on-campus in violation of the law. Weapons, whether carried openly or concealed, are not permitted on GTCC property. A “weapon” includes firearms, explosives, BB guns, stun guns, air rifles or pistols, and certain types of knives or other sharp instruments per N.C.G.S. § 14-269.2. However, the General Assembly has enacted a limited exception to the general prohibition for law enforcement officers (<https://www.ncleg.net/Sessions/2013/Bills/House/PDF/H937v6.pdf>). A firearm is permissible on a community college campus only under the following limited circumstances:
  - a. The firearm is a handgun; AND
  - b. The individual has a valid concealed handgun permit or is exempt from the law requiring a permit; AND
  - c. The handgun remains in either: a closed compartment or container within the individual with the permit’s locked vehicle; or a locked container securely affixed to the individual with the permit’s locked vehicle; AND
  - d. The vehicle is only unlocked when the individual with the permit is entering or exiting the vehicle; AND
- e. The firearm remains in the closed compartment at all times.

#### F. Academic Integrity

Students are expected to read and understand the college’s policies that govern their behavior. These include the academic integrity policy and any program handbook that may exist for a student’s academic program. Students who read but do not fully understand a policy are encouraged to ask for assistance from a college official.

Academic integrity violations of this code are defined thusly:

- Academic Misconduct — A pattern of academic dishonesty or a referral of academic misconduct from instructional personnel. While instructors of record will most often be considered the instructional personnel, other employees such as librarians and Testing Center facilitators may be considered instructional personnel in certain situations. See *IV-1.1.3 Student Academic Integrity*.

Directors of the college’s academic programs may specify via their program handbooks additional conduct that is prohibited within a program. Instructors of

record for each course may specify via their syllabi additional conduct that is prohibited in instructional spaces during instructional time to fulfill specific health, safety, and regulatory requirements.

## 2. Oversight of the College's Student Conduct Processes

The college affirms the power of instructors to apply corrective action to students during active instruction to foster a positive learning environment that supports the learning outcomes. This action may include directing students to cease disruptive speech or behaviors, directing them to modify their location or situation within the class, and requiring them to leave the class for the remainder of that class period. The college further affirms the power of department chairs and deans to receive informal behavioral referrals from instructors and to engage in developmental conversations with students.

To accept conduct referrals for behaviors that exceed an individual employee's ability to respond to, or that clearly requires a formal investigation, the college maintains a Student Conduct and Community Standards Office (the Community Standards Office) at the Jamestown Campus. For conduct matters resulting in formal investigations, this office shall be responsible for receiving allegations of Student Code of Conduct violations; for assigning primary investigators to all such cases; for ensuring that investigations are conducted in compliance with this policy; and for coordinating equivalent support resources at all spaces used by the college. The Director of Student Conduct and Community Standards provides oversight and assistance to other campus officers and will serve as a primary investigator when needed. The Director of the K-12 Partnerships Office and any relevant middle college administrators will be involved appropriately when a case involves a secondary student enrolled in a college curriculum course.

In addition to the college-wide code of conduct pertaining to all GTCC students, individual programs and service areas may maintain their own program handbooks with policies and procedures that extend the list of proscribed conduct, that tailor response protocols to program regulatory requirements, or that empower deans and department chairs to apply population-specific interim measures to secure situations in consultation with the Community Standards Office.

If the Director of Student Conduct and Community Standards is either implicated in a situation or is the reporting party, the Campus Dean or the Associate Vice President of Student Services shall coordinate the office's oversight and assignment actions.

## 3. Emergency Response Procedures and Interim Sanctions

When behavior presents an immediate threat to health and safety or disrupts the function and good order of the college, policies such as *I-2.1.4 Anti-violence and Threat Assessment* and Campus Police protocols will take precedence over this Student Code of Conduct. In such situations, college employees are encouraged to alert police by dialing 911 or Line 2 on a campus phone. This will automatically notify Campus Police. Once police have been alerted to the situation college employees should notify the Community Standards Office of the situation via [a formal student conduct report](#), which can be found on the office's public webpage in the consolidated reporting portal: [gtcc.edu](http://gtcc.edu) >> Student Life >> Student Success

Center >> Student Conduct & Community Standards.

The Director of Student Conduct and Community Standards will determine whether interim sanctions will be applied to students during an investigation. The Chief of Campus Police and the Campus Dean will be consulted prior to any such sanctions being applied. Interim sanctions include interim suspension, mutual no contact orders, and restrictions on student movement or campus access. Interim sanctions are intended solely to prevent further harm from occurring while a situation is investigated. They are not meant to be punitive or permanent – interim sanctions will be replaced at the conclusion of an investigation with permanent sanctions if students are found responsible for a conduct code violation. If students are found not responsible for a conduct code violation, any interim sanctions applied to them will cease.

The Director is charged with considering how likely a finding of responsibility is based on initial evidence when considering whether to apply interim sanctions; the college will have a reasonable responsibility to help students to make up for lost educational opportunities as the result of interim sanctions when a formal investigation finds them not responsible for a policy violation.

#### 4. Standard Response Procedures and Investigative Steps

Providing for the welfare of others is a moral obligation. In recognition of this, the college will not automatically open formal conduct investigations when the college becomes aware of a conduct code violation from a student report of a medical emergency. In order to avoid potential or additional conduct code violations, students must report the emergency in a timely manner, remain with the student in distress until help arrives, and cooperate with emergency response personnel at the scene. Protection from law enforcement consequences cannot be guaranteed.

Any member of the college community can report alleged misconduct to the Community Standards Office. This online report is available on the Student Conduct and Community Standards page of the college's public website. Urgent matters that threaten health, safety, or normal college operation should be reported to Campus Police using the emergency procedure outlined above. Within two (2) business days of receiving a report the Community Standards Office will review it and determine whether it needs to be referred to a different office, logged as an information report, or turned into an open case for investigation. Cases will be opened and assigned an investigator within the two (2) business day time period.

A primary case investigator will seek to conduct the full investigation within ten (10) business days from the date the case was created. Extensions to this timeframe may be approved by the Vice President of Student Services due to mitigating factors such as a delayed ability to obtain evidence. The primary investigator will take the following steps to complete the investigation:

- 1) Notify the respondent(s) in writing of a scheduled meeting in which they will be able to respond to the allegations. *A respondent has a reasonable expectation to receive at least 24 hours' notice of a scheduled meeting. If a student is receiving interim sanctions under the emergency procedures section of this policy the notification letter will explain this.*

- 2) Meet with the respondent(s) to hear their version of events, to get their response to any evidence received, and to find out from them their desired investigative outcome.
- 3) Notify and meet with any other named parties (complainants, witnesses, instructors) to receive their statements and any additional evidence they may have.
- 4) Pursue additional physical evidence that may reasonably be expected to exist.
- 5) Determine whether a preponderance of evidence (more likely than not) exists to find the respondent(s) responsible for any conduct code violations. *A pattern of relevant prior allegations against the respondent may be considered when determining preponderance of evidence.*
- 6) When a preponderance of evidence does exist, determine what combination of sanctions as defined in this policy most reasonably addresses the illicit behavior without being too punitive.
- 7) Notify the respondents(s) in writing of the outcomes and of their appeal options should they disagree.

Students who receive a notification of alleged misconduct but fail to attend or to reschedule their conduct meeting may be found responsible for failure to comply with directions under the Student Code in addition to other violations which are being considered. The primary investigator shall have discretion to decide whether to move forward with an investigation without a participant's input; respondents who decline to participate in an investigation are understood to be not contesting the allegations. The primary investigator has discretion to conduct meetings virtually but is not required to do so.

#### 5. Sanctioning for Students Found Responsible for a Violation

Students found responsible for a violation of the Student Code of Conduct can receive any combination of formal sanctions from the primary investigator, including:

- 1) Written reprimand
- 2) Disciplinary probation
- 3) Loss of privileges
- 4) No contact order
- 5) Financial restitution
- 6) Suspension from the college
- 7) Expulsion from the college
- 8) Academic sanctions
  - a. Required resubmission of an academic assignment
  - b. Reduced academic assignment grade
  - c. Reduced academic course grade
  - d. Removal from an academic course
  - e. Removal from an academic program of study
- 9) Educational sanctions
  - a. Letter of apology
  - b. Community service
  - c. Mandated professional referral
  - d. Personal reflection essay
  - e. Completion of an educational experience
  - f. Creation of an educational resource

## 6. Applications of Holds to Student Accounts

Employees of the Student Conduct and Community Standards Office shall have the power to apply holds to student accounts in the college's student record software. These holds prevent enrollment into new academic courses but do not interfere with other college business (e.g. receiving transcripts or paying outstanding balances). Such holds may be placed on a student account when a student whose input is required for an investigation fails to participate, when a student who has been found responsible for a conduct violation fails to complete the resulting assigned sanctions within the specified timeframe, and when a student is suspended or expelled for a period of time. A hold may also be applied to a new student's account if the student does not provide appropriate documentation for a disclosed prior conduct history at a previous institution.

A hold will remain active on a student's account until they have discharged their obligations to the office.

## 7. First Appeal Procedure

A student who disagrees with the decision of the primary investigator may request a hearing before the student conduct hearing committee. This request must be submitted in writing to the Director of Student Conduct and Community Standards within five (5) business days of the date of the investigator's outcome letter to the student.

The written appeal request must clarify which aspect of the finding the student is appealing:

- that they were found responsible for a violation, or
- the appropriateness of the resulting sanction(s).

The written appeal request must also provide an overview of the argument(s) that the student will make at the live hearing in support of their appeal. Finally, the written appeal must include a list of days and times in the subsequent weeks when the student can be available to attend the live appeal hearing. If the student is requesting a virtual rather than an in-person hearing, the written request must also include the reason why.

Upon receipt of a complete appeal within the specified timeframe the Director shall refer the matter to the committee along with the evidence packet from the initial investigation.

Membership of the Student Conduct Hearing Committee shall consist of:

- One (1) voting faculty member approved by the Faculty Association
- One (1) voting professional or classified staff members approved by the Staff Association
- One (1) voting student member approved by the Student Government Association (SGA)
- One (1) non-voting director, dean, associate vice president, or vice president to serve as an ex-officio chair

Committee members will be selected on a rotating basis and will receive training prior to serving on the committee.



The Student Conduct Hearing Committee must meet within ten (10) business days of receipt of a complete appeal request, except within the last two weeks of a term when additional time may be needed and shall be agreed upon between the parties.

At least three (3) business days prior to the hearing date, the Director shall send an email to the appellant's college email address providing the student with the following information:

- The date, time, and location of the hearing
- The names and titles of the hearing committee members
- A list of the student's basic procedural rights
- A copy of the hearing rules

A student appellant shall have reasonable access to view the evidence packet from the initial investigation between the time the appeal is requested and the date the hearing is conducted. Reasonable access does not mean that the college will provide a physical or digital copy of the evidence packet to the student, but rather than the student will be allowed to schedule time to view a physical copy of the evidence packet in a supervised environment. The purpose will be to help the student appellant to prepare the most effective appeal possible.

Upon completion of a hearing, the committee shall meet in executive session to determine concurrence or non-concurrence with the decision of the primary investigator and to determine appropriate sanction(s), which are not limited to those imposed or recommended by the primary investigator. Deliberations of the committee will not be recorded.

Decisions of the committee shall be made by majority vote. Once made, committee decisions will be announced and recorded. Within two (2) business days after the decision of the committee, the committee chair shall send an email to the student appellant's college email address (or the student's primary listed email address in Colleague for students who do not receive a GTCC email address) providing the student with the committee's decision.

When a student appellant does not attend a scheduled appeal hearing the Chair shall determine whether to move forward with the hearing in their absence, to cancel the hearing, or to delay the hearing to another date and time. A student appellant who does not attend and who cannot present valid grounds for their absence (i.e. a severe, unforeseeable circumstance that prevented them from attending) will not have the right to continue their appeal.

8. Final Appeal to the Vice President of Student Services:

A Student who disagrees with the decision of the Student Conduct Hearing Committee may appeal in writing to the Vice President of Student Services within five (5) business days of the date of the chairperson's written notification. The only appropriate grounds for such an appeal will be (1) new information is now available that could not have been available during the time of the appeal hearing; or (2) an alleged violation of the college's procedures in the handling of the hearing or investigation. A complete written appeal to the Vice President will take the form of a detailed letter (physical or electronic) in which the student reflects on their true need for an appeal: what facts were not previously given accurate weight or what information was not previously available for consideration. A student who needs assistance with writing the appeal may request an advocate from the Student Services division who has

not previously been involved with the case.

Upon receipt of a complete written appeal (via email, hand delivery, or post), the Vice President of Student Services shall review the findings and the proceedings of the committee. The Vice President shall have the discretion to hear from the student, the members of the committee, or any other party who may provide information on the facts, before deciding. While not expected to fully reinvestigate the case, the Vice President can seek new evidence as part of the review. The Vice President's ruling may uphold, modify, or overturn the decision of the committee if the initial appeal is overturned, a new hearing may be requested by the Vice President. Upon reaching a decision, the Vice President will inform the student in writing of the decision within ten (10) business days.

The decision of the Vice President shall be final. If the Vice President recommends a new hearing, the committee's decision shall be final.

#### 9. Conduct Records Expungement

Students who have been found responsible for a conduct violation that did not result in separation from the college (suspension or expulsion) may apply in writing to the college's Vice President for Student Services or a designee (the reviewer) to have their conduct record expunged after one calendar year. A complete expungement application will include a summary of what happened, a summary of the actions the student has taken since that time to reflect on the matter and prevent its reoccurrence, and a statement of what the student hopes to accomplish in having the record expunged. Supporting documentation may be included with the written application.

The reviewer will review complete applications and may choose to speak with the student in a live interview and will decide to grant or deny the request. The reviewer will notify the student and the Community Standards Office in writing of the decision. Once expunged, student conduct record information will not be disclosed to third party agencies and institutions. The college may still share details of how the expungement process works with a requesting body. Student conduct records which are not expunged will be disclosable to other institutions and to potential employers under the same privacy guidelines as all other parts of a student's educational record.

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