

IV-3.1 Non-Academic Issues

IV-3.1.1 Student Code of Conduct

Students may not display conduct on Guilford Technical Community College premises or at GTCC sponsored events that adversely affects the college's educational objectives; that is illegal; or that is contrary to the rules and regulations of the college. Students who display such conduct shall be subject to disciplinary action under this policy. Such students shall also have the right to appeal disciplinary actions under this policy. Student complaints unrelated to alleged violations of student conduct are address in policy *IV-1.1.8 Student Complaint*.

Procedure

1. Prohibited conduct is illustrated by the list below:
 - a. A pattern of academic dishonesty or a referral of severe academic misconduct from instructional personnel. Note that faculty members will most often be considered the instructional personnel for investigating allegations - especially for situations of cheating, fabrication/falsification, and plagiarism. Other employees such as librarians may be considered instructional personnel in certain situations such as alleged abuse of academic materials in a library setting (refer to *IV-1.1.3 Student Academic Integrity* policy).
 - b. 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.
 - c. 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 after operational hours.
 - d. 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.
 - e. 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, 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. See *I-2.1.3 Drug Free Workplace* policy.
 - f. Lewd or indecent conduct, including 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.
 - g. 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 Workplace 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 and Sexual Violence*.
 - h. 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 Workplace Anti-violence and Threat Assessment* policy.
 - i. Harassment to include 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 and Sexual Violence*.

- j. Obstruction or disruption of study, teaching, research, administration, disciplinary proceedings, or other college activities including public service functions and other duly authorized events on college premises.
- k. Occupation or seizure in any manner of college property, a college facility, or any portion thereof for a use inconsistent with those that are prescribed or authorized.
- l. 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.
- m. 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 (S.L. 2013-369, sec. 2; HB 937; N.C.G.S. § 14-269.2(k)). A firearm is permissible on a community college campus only under the following limited circumstances:
 - i. The firearm is a handgun; AND
 - ii. The individual has a valid concealed handgun permit or is exempt from the law requiring a permit; AND
 - iii. 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
 - iv. The vehicle is only unlocked when the individual with the permit is entering or exiting the vehicle; AND
 - v. The firearm remains in the closed compartment at all times.
- n. Issuing a bomb threat.
- o. 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.
- p. Gambling.
- q. Smoking, vaping, or using other forms of tobacco products on any GTCC campus or center. See *I.1.1.3 Smoking and Tobacco Use* policy.
- r. Violation of college regulations regarding the operation and parking of motor vehicles.
- s. Forgery, alteration, or misuse of college documents, records, or instruments of identification. Providing false information to the college via such means.
- t. Failure to comply with the instructions or directions of college employees acting in the performance of their duties.
- u. Violation of the terms of disciplinary probation during the period of probation.
- v. Violation of local, state, or federal criminal law on college premises.
- w. 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.

- x. 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.
- y. Serving as an accessory to a violation or aiding another individual in the commission of an offense as defined by this policy.

2. The college maintains a Student Conduct and Community Standards Office (the Community Standards Office) at the Jamestown Campus. 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 the community campuses and ancillary locations. 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.

3. Emergency Procedures and Interim Sanctions

- a. When behavior presents an immediate threat to health and safety or disrupts the function and good order of the college procedures such as the *I-2.1.4 Workplace Anti-violence and Threat Assessment* policy. Campus Police protocols will take precedence over this Student Code of Conduct. In such situations, college employees are encouraged to alert Campus Police by dialing extension 50911 or other local police by dialing 911. If the initial call is to 911 then the employee is asked to also notify Campus Police at the earliest possible opportunity.
- b. Once police have been alerted to the situation college employees are welcome to notify the Community Standards Office of the situation. Campus Police officers will also provide notice to the Community Standards Office once the incident has been contained so that a Student Code of Conduct investigation can be initiated.
- c. In conjunction with the Chief of Campus Police and the vice president of Student Services, the director of Student Conduct and Community Standards will determine at the start of an investigation whether interim sanctions will be applied to students during the period of that investigation. Interim sanctions include interim suspension, mutual no contact orders, and restrictions on student movement or access.
- d. 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 when students are found responsible for a policy violation. When students are found not responsible for a policy 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 Procedures

- a. Any member of the college community can report alleged misconduct to the Community Standards Office. College employees with access to MYGTCC can make an official report using the “Report a Non-academic Student Conduct Concern” link in the Applications section. This same report is linked on the Student Life page of the college’s public website for students and community members to access. Urgent matters that threaten health, safety, or normal college operation should not be reported in this manner but should instead be reported to Campus Police using the emergency procedure outlines above. Within two (2) instructional weekdays 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) instructional weekday time period.
- b. A primary case investigator will seek to conduct the full investigation within ten (10) instructional weekdays 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:
 - i. 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.*
 - ii. 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.
 - iii. Notify and meet with any other named parties (complainants, witnesses, instructors) to receive their statements and any additional evidence they may have.
 - iv. Pursue additional physical evidence that may reasonably be expected to exist.
 - v. Determine whether a preponderance of evidence exists to find the respondent(s) responsible for any policy violations.
 - vi. When a preponderance of evidence does exist, determine what combination of sanctions from Section 5 of this policy most reasonable addresses the illicit behavior without being too punitive.
 - vii. Notify the respondents(s) in writing of the outcomes and of their appeal options should they disagree.

Participants who receive their notification letter but fail to attend their meeting may be found responsible for failure to comply with directions under the Student Code. The primary instigator shall have discretion to decide whether to pursue this charge and whether to move forward with an investigation without a participant’s input; respondents who decline to participate in an investigation may be understood to not be contesting the allegations.

5. Students found responsible for a violation of the Student Code of Conduct can receive any combination of the following formal sanctions from the primary investigator:
 - a. A written reprimand
 - b. Disciplinary probation
 - c. Suspension
 - d. Expulsion

- e. Loss of privileges
- f. No contact order(s)
- g. Financial restitution
- h. Letter of apology
- i. Community service
- j. Mandated professional referral
- k. Personal reflection essay
- l. Completion of an educational experience
- m. Creation of an educational resource

6. Initial 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) instructional weekdays of the date of the investigator's outcome letter to the student. Students who believe they will need more time in which to appeal, or who do not open their notification letters until after the deadline, may request an extension from the vice president of Student Services

Upon receipt of an 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:

- a. Two (2) voting faculty members appointed by the president.
- b. One (1) voting professional or classified staff members approved by the president.
- c. Three (3) voting student members approved by the Student Government Association (SGA)
- d. One (1) non-voting director, dean, associate vice president, or vice president to serve as an ex-officio chair.

Committee members will serve for at least a one-year appointments beginning with each fall term, with replacements appointed by the appropriate approving bodies. In cases in which the full contingent of committee members cannot be secured or does not attend the scheduled hearing, the proceedings may move forward with at least one faculty member, one staff member, and two students; plus the chairperson with the agreement of the student appellant.

The Student Conduct Hearing Committee must meet within ten (10) business days of receipt of a request for a hearing (except near the end of summer term when additional time may be needed).

At least five (5) business days prior to the date set for the hearing, the director of Student Conduct and Community Standards shall send an email to the appellant's college email address providing the student the following information:

- a. A restatement of the charge(s).
- b. The identity of the person(s) bringing the charge(s). In cases involving a minor complainant or other extenuating circumstances the college may become the stated entity bringing the charges(s) on the complainant's behalf to protect confidentiality.
- c. The date, time, and location of the hearing.
- d. A list of witnesses the college will call. The primary investigator will usually be the main witness for the college.
- e. The names and titles of the hearing committee members.

- f. A list of the student's basic procedural rights:
- i. 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.
 - ii. The right to produce witnesses on one's behalf. (List of witnesses must be provided to the director of Student Conduct and Community Standards no less than two full working days prior to the hearing. Any witnesses not listed will not be allowed to testify in the absence of a showing of good cause for delay in identification).
 - iii. The right to request, in writing, that the director of Student Conduct and Community Standards disqualify any member of the committee for prejudice or bias. This request must set forth reasons. A request for disqualification, if made, must be submitted at least three (3) business days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement.
 - iv. The right to present evidence.
 - v. The right to hear the college's witnesses and to respond to the committee regarding their statements.
 - vi. The right to testify or to refuse to testify.
 - vii. The right to appeal the decision of the committee to the vice president of Student Services in writing within five (5) business days of the date of the committee chairperson's outcome letter to the appellant.
- g. A copy of the hearing rules:
- i. Refusal of a student to read email will not delay or alter disciplinary actions or procedures.
 - ii. The college has the right to limit the number of witnesses to be called during a hearing for expediency.
 - iii. On written request of the student, the hearing may be held prior to the expiration of the five-day (5) notification period, if the director of Student Conduct and Community Standards concurs with this change.
 - iv. Hearings shall be confidential and shall be closed to all persons besides the committee members; the student appellant; counsels; and witnesses who shall give testimony singularly and who shall only be in the hearing room during the time that they are giving testimony.
 - v. The hearing will be recorded. The audio recording of the hearing will become the property of the college and will be maintained in the Student Services Office. The vice president of Student Services will determine appropriate access to audio recordings.
 - vi. The committee shall have the authority to render written advisory opinions concerning the meaning and application of this code.

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. Any tie votes shall be interpreted as not in favor of the proposed actions. Once made, committee decisions will be announced and recorded. Within two (2) working days after the decision of the committee, the committee chair shall send an email to the student appellant's college email address providing the student with the committee's decision.

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.

7. Final Appeal to the vice president of Student Services:

- a. 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 notification letter. The only appropriate grounds for such an appeal are: (1) the severity of the penalty; or (2) an alleged violation of the college's procedures in the conduct of the hearing or investigation.
- b. 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 employee who may provide information on the facts, before ruling on an appeal. The vice president's ruling may uphold, modify, or overturn the decision of the committee. Upon reaching a decision, the vice president will inform the student in writing of the decision. This should take place within ten (10) business days of the vice president's receipt of the appeal.
- c. The decision of the vice president shall be final.

Adopted	08/17/1995
Revised	08/21/1997
Revised	06/19/2014
Revised	08/31/2020 (procedures only by CLT)
Revised	10/15/2020 (policy)