

# STUDENT RIGHTS, HONOR CODE, BEHAVIOR VIOLATIONS INCLUDING DISCIPLINARY AND APPEAL PROCEDURES

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## Overview

VCCS Policy 6.5.0 (<https://go.boarddocs.com/va/vccs/Board.nsf/goto/?open&id=A2ZN8G519A6C>)

The Blue Ridge Community College Statement of Values is based upon respect for the dignity and worth of individuals within the campus community. Further, the College community welcomes diversity of ideas, intellectual debate, and the learning thereby engendered. Blue Ridge Community College strives for an environment which promotes these values and believes that, as members of the college community, each student contributes to uphold them. Therefore, the College clearly presents student rights and an Honor Code along with disciplinary and appeal procedures to ensure that all members of the college community may benefit from the promotion of these values.

## Student Rights

- Students are free to pursue their educational goals so long as they meet the academic and behavioral standards of the College. The College shall provide appropriate opportunities for learning within the scope of its mission and resources.
- Students have the right to fair treatment without discrimination on the basis of race, sex (including pregnancy), color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, family medical history or genetic information, or against otherwise qualified persons with disabilities in educational and employment opportunities, programs and activities.
- Students have a right to limited procedural due process in disciplinary and grievance matters.
- The Federal Family Educational Rights and Privacy Act (FERPA) of 1974, SEC. 438, PUB L. 90-247, as amended provides protection for the privacy of student educational records. Copies of FERPA are available for review in the College Admissions and Records Office online at Notifications of Rights under FERPA (<https://www.brcc.edu/about/policy/notification-of-rights-under-ferpa/>).
- Students are guaranteed the right to free inquiry, expression, and assembly, provided they do not interfere with the rights of others or with the effective operation of the College.

## Honor Code

### Honor Code

As an academic community we are committed to holding ourselves to the highest standards of ethical integrity. Blue Ridge Community College values truthfulness, honesty in academic work, and respect for the person and property of others. Our community feels that integrity and ethical behavior are essential to positive student development and achievement. The consequences of violating these values and standards will range from academic penalties to disciplinary actions, as appropriate for the violation. Faculty or administration members may also require restorative justice activities to help return the individual to good-standing within the ethical community.

## Behavior Violations

### Behavior Violations

To ensure an environment consistent with the mission, values, and vision of Blue Ridge Community College, students are expected to respect the rights of each member of the College community and to behave in a manner supportive of the collegiate environment. Behaviors that are considered to be disruptive and therefore subject to disciplinary action include but are **not** limited to the following:

1. Providing false information or fraudulent documents to the College or any of its employees in the course of their duties; also forging, altering, or misusing College documents or instruments of identification.
2. Committing academic dishonesty in a deliberate attempt to defraud, falsify, fabricate, or otherwise alter facts, information, or records related to a student's participation in an academic exercise or function. Based on the seriousness of the academic dishonesty, instructors may:
  - a. impose a grading penalty in accord with their course requirements,
  - b. assign a restorative justice exercise that would provide the student an opportunity to return to a state of ethical conduct with any grade or assignment adjustment at the discretion of the instructor, and/or
  - c. refer the offending student to the Vice President of Academic Affairs for more serious consequences.

Any grade disputes over penalties resulting from an act of academic dishonesty can only be resolved through the grade appeal process. No withdrawal policy outlined in the College Catalog can supersede a grade penalty resulting from an act of academic dishonesty.

**Academic dishonesty** includes:

**Plagiarism**, which occurs when an individual steals the words, ideas, artistic work, image or graphic of someone else and claims it as his or her own. All of the following are considered plagiarism:

- turning in someone else's work as your own;
- copying words or ideas from someone else without giving credit;
- failing to put a quotation in quotation marks;
- giving incorrect information about the source of a quotation;
- changing words but copying the sentence structure of a source without giving credit;
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not; or
- unapproved use of artificial intelligence software to create responses to any assignment, even if you change the language or add in material of your own afterward.

("What is Plagiarism?" Plagiarism.org. iParadigms, 2014. Web.1 Feb. 2015)

**Cheating**, which includes:

- the unauthorized giving, receiving, or soliciting of information on assignments, quizzes, examinations or projects;
  - using or accessing unauthorized materials, including electronic materials, on assignments, quizzes, examinations, or projects;
  - unapproved use of artificial intelligence (including natural language processing or machine language generation software);
  - recording, disseminating or publishing (including online) of academic presentations, exams, quizzes, assignments, etc. for a commercial or non-commercial purpose without advance authorization of the course instructor;
  - buying, selling, or stealing unauthorized material that is the unreleased contents of an upcoming assignment, quiz, examination, or project-including an online assignment, quiz, examination or project;
  - giving unauthorized assistance to another person or receiving unauthorized assistance from a person (or unauthorized collaboration) in the completion of assignments, quizzes, examinations, or projects;
  - unauthorized dual-submission of previous academic work or using any material portion of a paper or project to fulfill the requirements of more than one course without receiving prior permission to do so from the appropriate instructor(s) intentionally commencing early or ending late any work on an assignment, quiz, examination, or project thereby violating imposed time limits;
  - failing to follow instructions for an assignment, quiz, examination, or project despite having knowledge that such conduct would lead to an unfair advantage;
  - providing false information to postpone an assignment, exam, or gain unearned benefit; or
  - knowingly witnessing any form of cheating and not reporting it to an instructor, college official, or testing center staff.
3. Disrupting or obstructing any instruction, research, administration, disciplinary proceedings, or other activities authorized by the College.
  4. Failing to comply with professional ethical standards while part of the academic program
  5. Physically or psychologically abusing, or threatening to abuse, any person on College premises, at College activities, or directed against any person because of their actions as an employee of the College.
  6. Violating established State Board for Community Colleges approved policies including, but not limited to, the Computer Ethics Guidelines, Policy on Expressive Activity, Sexual Misconduct Policy, Substance Abuse Policy, Weapons Regulation, and Workplace Violence Prevention & Threat Assessment Policy. For more information on the specifics of each policy, visit <https://go.boarddocs.com/va/vccs/Board.nsf/goto?open&id=A2ZN8G519A6C> (<https://go.boarddocs.com/va/vccs/Board.nsf/goto?open&id=A2ZN8G519A6C>) .
  7. On-campus purchasing, consuming, possessing, or selling of alcoholic beverages as specified in the College substance abuse policy, except when specifically authorized by the College board.
  8. Possessing, using, selling, or purchasing of any illegal drugs or hallucinogenic agents on College premises or at College activities, as specified by the College substance abuse policy.
  9. Restricting without authorization any vehicular or pedestrian traffic on College premises or at College activities.
  10. Destroying, misusing, or damaging College property under its jurisdiction, or removal of such property without authorization.
  11. Tampering with or misusing fire-fighting or other safety equipment.
  12. Violating any local, state, or federal law on campus or at a College-authorized activity.
  13. Failing to comply with directions of College officials acting in the performance of their duties.

## Student Conduct Addendum

The College's Student Code of Conduct is hereby amended to include the following provisions and any violation of such shall be grounds for discipline under the College's Student Code of Conduct policy. All other provisions remain unchanged and applicable:

#### A. Disruptive Acts

1. Disrupting or obstructing the normal learning, living, or work environments of other members of the College community or the functions or activities of the College (as well as activities conducted on the College's property with its permission) is prohibited. Examples include: blocking entrances, corridors or exits; interfering with ongoing educational activities, cultural events, or recreational, extracurricular or athletic programs; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; creating unsanitary conditions; and interfering with any other effort to protect the health and safety of members of the College community or larger public.
2. No person may obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker or the observation of speech by any person intending to see or hear a speaker.

#### B. Violations of Laws, Regulations, and Ordinances

1. Prohibited conduct includes violations of federal, state, or local laws, regulations, orders, or ordinances.
  - a. Students have a continuing duty to promptly report to The Vice President of Academic Affairs any arrests for violations of federal, state, local, or international law, excluding minor traffic violations that do not result in injury to others. This duty applies regardless of where the arrest occurred (inside or outside the Commonwealth of Virginia) and regardless of whether the College is in session at the time of the arrest. An arrest includes the issuance of a written citation or summons regardless of whether the student is taken into custody by law enforcement. Charges related to driving under the influence of alcohol or other drugs are not "minor traffic violations" and must be reported.

#### C. Masking to Conceal Identity

1. Consistent with Virginia Code § 18.2-422, any individual who is present on College property or attending a College event who is wearing a mask, hood, or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, must present a valid college or government issued identification document containing both the person's legal name and photograph when requested by any College administrator, security officer or police officer, or otherwise establish the individual's identity to the satisfaction of the College official.

#### D. Encampments

1. The construction or occupation of a Camping Tent is prohibited.
  - a. "Camping Tent" means any collapsible tent or structure, typically having as its basic components a flexible material supported by a framework, designed, intended, or used as temporary shelter while camping or on recreational outdoor outings. Camping Tents may include tents known as "pup tents," "dome tents," "cabin tents," "hiker tents," and "backpacking tents."
  - b. A "Camping Tent" does not include a tent with all sides entirely open and where there is an unobstructed view into such tent from the outside at all angles. All other conduct provisions apply to the use of open tents.
  - c. No tents are permitted on College property.
2. Camping is prohibited on property owned, leased, or operated by the College, Virginia Community College System, or their foundations.
  - a. "Camping" means the act of using any part of the property or facilities for living accommodation purposes, such as establishment of temporary or permanent living quarters, sleeping outdoors overnight or making preparations for overnight sleeping (including the laying down of bedding), storing personal belongings, using any tent, shelter, or similar structure regardless of size for sleeping; sleeping in, on, or under parked vehicles, or setting up temporary or permanent sleeping areas outdoors or in structures not designated for human occupancy.
  - b. "Camping" does not include the use of College, VCCS, or their foundations' property that has been wholly or partially designated as sleeping or relaxation areas; a tailgating activity in conjunction with a College, VCCS, or foundation event; or the use of temporary hammocks or lounge furniture for recreation or studying activities outdoors on College, VCCS, or foundation owned property during the hours of 6:00am to 10:30pm. Individuals on campus outside of the designated hours can be arrested and prosecuted for trespassing.
3. These prohibitions shall not apply to the College, the Virginia Community College System Office, or the College or System foundations or to Non-Camping Tents erected for their use.
4. These prohibitions shall not apply to federal, state, or local governments or their agencies or to Non-Camping Tents erected for their use.

#### E. Applicability:

1. The Code of Conduct, including this Addendum, shall apply both to the conduct of individual students as well as student organizations.
2. Each recognized student organization shall represent that its activities and the activities of its members will not violate federal, state, or local law; or the College's Code of Conduct, including this Addendum.
3. The Code of Conduct, including this Addendum, applies to all student activities within College, VCCS, or their foundations' programs or activities wherever located. The Code of Conduct, including this Addendum, also applies to all student conduct occurring on the College campus and on any property owned, leased, or operated by the College, VCCS, or their foundations. The Code of Conduct, including this Addendum, additionally applies to any property used as a student residence and in regard to which students have expressly agreed to abide by or provided written consent to be governed by College policies. Violations of other College or VCCS policies may result in disciplinary action under the Student Code of Conduct.

## Threat Assessment Team

If student(s) or prospective student(s) is/are referred to the Threat Assessment Team, then the team will determine if the individual(s) pose, or may reasonably pose, a threat of violence to self, others, or the Blue Ridge college community. The Threat Assessment Team will provide recommendations to The Dean of Student Services regarding whether or not to suspend, dismiss or provide an interim suspension to a student. The Dean will make the determination, consistent with VCCS policy 6.0.1.1, to refuse admission to a prospective student, and/or to suspend, dismiss, or suspend a currently enrolled student who is determined to pose a threat.

## Appeals Process for Care/Threat Assessment Team Dismissal

If a student wishes to appeal a Threat Assessment Team dismissal, he/she must submit the Threat Assessment Dismissal Appeal Form ([https://cm.maxient.com/reportingform.php?BlueRidgeCCVA&layout\\_id=5](https://cm.maxient.com/reportingform.php?BlueRidgeCCVA&layout_id=5)) to the Dean of Students (or designee) within five business days of notification of a Threat Assessment Team sanction. In the case of an interim suspension student(s) are not allowed on campus until the review process is completed and the student is notified that some or all of the suspension has been lifted by the Dean of Students. The Dean of Students will notify the Vice President of Academic Affairs that the student has appealed. The Vice President of Academic Affairs will review the written record and make one of the following decisions within five business days of receipt of the appeal:

- Support the recommendation of the Dean of Students
- Reinstate the student to admitted or continuing student status
- Issue either a Warning, Suspension or Expulsion to the student.

The decision of Vice President of Academic Affairs is final; there are no further appeals in a dismissal or suspension related to a threat assessment determination.

## Disciplinary Procedures

**Guidelines.** Blue Ridge Community College considers the guidelines set forth by the Student Rights and Honor Code as conducive to a positive collegiate environment and reserves the right to impose disciplinary action if a student fails to behave in a manner consistent with these guidelines. The disciplinary procedure shall apply to conduct that occurs on property owned, occupied, or used by the College, to conduct that occurs while a student is attending or participating in any College-sponsored event or activity, or to conduct anywhere that is directed against person or persons employed by the College acting in their official capacity in performance of their duties.

Although student offenders are subject to disciplinary actions ranging from admonition to more serious consequences such as probation, suspension, and expulsion (detailed in the "Consequences" section), whenever possible, the College may concurrently employ restorative justice procedures. Blue Ridge Community College embraces the restorative justice paradigm that assists offending students in taking responsibility for their actions by offering genuine apologies, making amends, and seeking other ways to restore their ethical status with the goal to once again become valued members of the College community (Karp, David. *Justice on the College Campus*. Springfield, IL: Charles C Thomas Publisher, Ltd., 2015. Print). Restorative justice approaches may include but are not limited to: letter of apology, restorative justice administrative hearing, victim-offender mediation, restitution, community and/or campus service, guided research, distance learning assignments, prescribed counseling, self-awareness and relationship assessments, problem-solving circles, conflict management courses/workshops, family group conferencing, and role-playing exercises. (*Center for Restorative Justice*. Suffolk University, College of Arts & Sciences, 2015. Web. 15 February 2015).

Blue Ridge Community College records academic and disciplinary violation cases in a secure database called Maxient, which captures contact information from official student records. Students may receive any correspondence regarding cases by email, US Mail (to the official mailing address on record) or may be handed communication in person.

1. **Procedure for disciplinary complaints.** All disciplinary complaints against students should be brought to the Vice President of Academic Affairs (the Vice President). The President of the College may further designate any other College official to administer disciplinary policies and procedures as appropriate.

The Vice President shall investigate the alleged violation to determine the severity and nature of the problem and then will send notice to the student via email or certified mail to the student's address of record (or hand the notice to the student in person) that a disciplinary investigation is taking place along with a copy of this procedure. The student may request the assistance of a College Academic Advisor, who will explain to the student the procedures of this policy.

If at the sole discretion of the Vice President that it is appropriate, the investigation will include an interview with the accused student and attempts will be made to resolve the complaint informally. The student may also state a response to the investigation in writing to the Vice President. If the matter cannot be resolved informally, the Vice President will proceed administratively according to the guidelines established in section 3.

2. **Procedure for immediate suspension pending final disposition.** When, in the opinion of the Vice President, the continued presence of any person on campus poses a serious threat to the well-being or safety of College personnel, students, or to the property or operation of the College or any of its functions, such person may be immediately suspended and banned from the College campus and from all College-sponsored activities or events wherever they occur.

This summary exclusion shall not prejudice the process or outcome of further proceedings initiated by any of the parties. When this decision is made, the Vice President will send notice to the student by certified mail at the student's address of record. The correspondence will include the allegation against the student along with a general description of basis for the allegation and the basis by which the decision to immediately

suspend the student was made. The correspondence will also make reference to the copy of this disciplinary procedure that the student received according to the procedure written above, thus informing the student of the procedures to be used to dispose of the case and for appeal of the disposition.

At the discretion of the Vice President, the student may be allowed to return to the campus only for any and all activities related to this disciplinary procedure by requesting permission in writing. The Vice President will inform the student of the decision regarding this request in writing by email or by sending a certified letter to the student's address of record.

3. **Administrative Disposition of a Violation.** If, at the discretion of the Vice President, the complaint cannot be resolved informally, then the Vice President, or a designee of the Vice President, will prepare a written summary of the disposition of each violation of the behavior code. The summary will include a statement of the violation, a brief description of the evidence that led to the subsequent consequences or action, and a statement explaining the consequences.

The Vice President will send a copy of the summary via email or by certified mail to the student's address of record, or to the parent or guardian of an unmarried and unemancipated student who is under 18 years of age, and to other appropriate administrative personnel. A copy of the written summary will also be retained in the student's file in the Admissions and Records Office and in a file in the Vice President of Academic Affairs' office.

**Consequences of violations may include but are not limited to the following:**

- **Admonition:** at the discretion of the Vice President, a verbal or written reprimand will be delivered to a student indicating that the student is violating or has violated College rules and admonishing the student to refrain from further violations; the Vice President may also require a restorative justice procedure that would provide the student an opportunity to make amends, return to a state of ethical conduct, and continue as a valued member of the College community.
- **Disciplinary Probation:** the Vice President will send a written reprimand indicating that further violations of regulations will result in more severe disciplinary action; the Vice President may also offer a series of restorative justice procedures that could provide the student an opportunity to make amends, return to a state of ethical conduct, and resume as a valued member of the College community.
- **Withholding of Transcript, Degree, Diploma, Certificate, or suspension of the right to register for classes:** a penalty will be imposed upon a student who fails to pay a debt owed to the College or who has a disciplinary case pending final disposition. The penalty regarding withholding of transcripts, etc. terminates upon payment and/or satisfaction of the debt or upon final disposition of the case. In the case of Sexual Violence: A notation will be entered on an individual's permanent transcript if that person was dismissed or expelled for, or withdrew while under investigation for, an act of sexual violence.
- **Suspension from the College:** the student will be excluded from attending the College for a specified period of time not to exceed one year. Prior to reinstatement, the Vice President may require a series of restorative justice procedures that would provide the student an opportunity to make amends and return to a state of ethical conduct.
- **Dismissal from the College:** status as a student will be terminated for not less than one year. Conditions for readmission, if any, will be stated in the order of dismissal and may include a requirement to participate in a series of restorative justice procedures that would provide the dismissed student an opportunity to make amends and return to a state of ethical conduct.
- **Expulsion from the College:** permanent severance from the College.
- **Restitution:** any of the above consequences may also include a requirement for the student to reimburse the College for damaged or misappropriated property. This may take the form of appropriate service to repair or otherwise compensate for damages.

A student may appeal the administrative disposition of a violation through the defined institutional process (p. 5).

## Appeal Procedures

**Guidelines.** Appeals Committee: When a student appeals the administrative disposition of a violation, he or she is entitled to limited due process including a hearing before an Appeals Committee. A written request for a hearing must be made to the Vice President of Academic Affairs on or before the fifteenth business day following the distribution of the correspondence which describes the administrative disposition.

The Appeals Committee will be selected by the President of the College. The Committee shall consist of two teaching faculty members, one administrative faculty member, one classified staff person, and one student. The President will select the chairperson from among the committee members. All members of the committee are eligible to vote in the hearing.

**Notice:** The chairperson of the Appeals Committee shall set the date, time and place for the hearing, and the Vice President will send notice of the hearing to the student by certified letter at the student's address of record. This notice shall be mailed within five business days of the receipt of the student's written request for a hearing and the hearing date will be set for at least one week after the date the certified letter is mailed. The Vice President, or the committee chairperson may, for good cause, postpone the hearing so long as all interested parties are notified of the new hearing date, time and place, and the new date is set at least one week after the notice of postponement is sent to the student. Every effort should be made by all involved parties to conduct the hearing at the earliest date available.

**Procedures.** The Appeals Committee will determine whether or not to uphold the administrative disposition determined by the Vice President. The chairperson shall provide reasonable opportunities for witnesses to be heard. Legal rules of evidence do not apply to hearings before the Appeals Committee. Counsel for any and all parties may be present, but they cannot act on behalf of the party they represent. The committee chairperson

may admit any pertinent information and may exclude irrelevant, immaterial and unduly repetitious evidence. The hearing shall proceed generally as follows:

- The chairperson presents the allegations against the student, along with the administrative disposition of each allegation which the Vice President of Academic Affairs imposed.
- The student presents the basis for appealing the administrative disposition.
- At the discretion of the committee chairperson, the student, the Vice President, and other witnesses may be interviewed by the committee. However, the student may not be compelled to testify against himself or herself.
- All evidence shall be offered to the committee during the hearing and made part of the hearing record.
- Committee members may freely question witnesses.
- The committee will vote the issue of whether or not to uphold the administrative disposition of each violation. The committee shall state in writing, for each alleged violation, whether they support the administrative disposition and the sanction imposed. The committee can uphold the administrative disposition or recommend a different sanction which may not exceed the sanction imposed by the Vice President.
- The decision of a simple majority of the members of the committee shall be submitted in writing as the final decision of the committee. The decision of the committee is final and binding.
- Record: The hearing record shall include:
  - a copy of the notices sent to the student as described above,
  - all documentary and other evidence offered or admitted in evidence,
  - written motions, pleas, and any other materials considered by the committee, and the committee's finding.

The hearing record will be forwarded to the Vice President of Academic Affairs where it will be securely maintained. If the committee upholds the administrative disposition, a record of the committee's finding will also be placed in the student's academic file in the Admissions and Records Office.