

STUDENT CODE OF CONDUCT, BEHAVIOR VIOLATIONS, DISCIPLINARY AND APPEAL PROCEDURES

Overview

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

Student Conduct

Each individual is considered a responsible adult, and it is assumed that students shall maintain standards of conduct appropriate to membership in the college community. Emphasis is placed on standards of student conduct rather than on limits or restrictions of students.

All colleges will implement and publish a student code of conduct in accordance with the template found in Appendix II to Section 6. Colleges may establish separate processes and sanctions for adjudicating violations of Academic Dishonesty, as defined in Appendix II.

Introduction

This Student Code of Conduct outlines the expectations of students enrolled at Blue Ridge Community College (BRCC). Students are subject to college jurisdiction, meaning it is expected that the Conduct Code be maintained while a student at the College. By enrolling, students agree to adhere to college policies and contribute to a respectful academic environment. The college reserves the right to take disciplinary action against any student whose conduct, in the opinion of college representatives, adversely affects the college's pursuit of its educational objectives. Students who are involved in the conduct process should expect any sanctions imposed to be enforced at all college campuses and centers.

The Code of Conduct shall apply both to the conduct of individual students as well as student organizations. 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.

The Code of Conduct applies to all student activities within College, VCCS, or their foundations' programs or activities wherever located. The Code of Conduct 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 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. The Code of Conduct also applies to acts of misconduct or criminal acts that are not committed on college property if the acts arise from college activities that are being conducted off the college's campuses, or if the conduct undermines the security of the college community or the integrity of the educational process or poses a serious threat to self or others.

College Core Value Statement

The BRCC 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. BRCC 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.

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.

Student Conduct Records Retention

BRCC follows Library of Virginia standards on retaining student conduct records; see *Code of Virginia § 42.1-85*. More information can be found on the Library of Virginia records management and retention website under schedule GS-111.

Permanent sanctions on the student transcript, such as suspension or dismissal, are retained indefinitely.

This policy aims to foster an environment conducive to learning. All students are expected to understand and comply with these guidelines to maintain their standing within the college community.

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

Academic Integrity Policy Statement

When college officials award credit, degrees, and certificates, they must assume the absolute integrity of the work students have done; therefore, it is important that students maintain the highest standard of honor in their scholastic work.

The college does not tolerate academic dishonesty. The following conduct, including Cheating, Data Misrepresentation, Facilitating Academic Dishonesty, or Plagiarism, in addition to others at the college's discretion, will be adjudicated in accordance with processes set forth by the College's Academic Integrity policy and process, consistent with the terms and definitions herein.

The college's Academic Integrity policy and process are as follows: Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationstext>)

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.

Definitions

Definitions

As used in this Code of Conduct, the following terms shall have the following meanings:

Academic Dishonesty – This is when a student intentionally misbehaves to gain an unfair advantage in his or her academic work.

Accused Student – A student or student organization who has been accused of violating the Conduct Code.

Advisor – Any one person designated by the accused student to support the student through the conduct process. This person can include, but is not limited to a parent, friend, college faculty or staff member, or attorney (at the student's own expense).

Appeal – If a student is found responsible for violating the Conduct Code the student may request an appeal, meaning the case will be reviewed with the opportunity of a different outcome possible.

Charge – Listed in the "Notice of Incident," the charge is the alleged code violations and what the accused student will respond to during the conduct meeting and be found responsible or not responsible for.

College Sponsored Activity – Any activity on or off campus which is initiated, authorized, aided or supervised by the College.

Complainant – Any individual that submits a report alleging that a student violated the Student Code of Conduct. The complainant does not need to be the person who was the target or victim of the alleged violation.

Conduct Hearing Committee – The group of people, trained in the conduct process, which adjudicates a conduct charge. The committee makes a determination of responsibility and imposes sanctions if a student is found responsible.

Dating Violence – Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Decision Letter – A letter sent to the accused student stating whether he or she has been found responsible or not responsible for the alleged Conduct Code violations.

Disposition of a Violation – Determination of responsibility, or lack thereof, for an alleged violation and any sanctions imposed.

Domestic Violence – Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, which includes a current or former spouse, a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.

Evidence – Available information about a conduct case that is used to arrive at a disposition and, if applicable, sanction.

Formal Conduct Hearing – A formal meeting by the Conduct Hearing Committee in which the Committee considers the evidence and determines whether an accused student violated the Conduct Code, and if so, what sanctions should be imposed.

Incident Report – A formal complaint alleging the student violated the college's Conduct Code and submitted by any academic or administrative official, faculty member, student, or member of the public.

Informal Hearing – A conference or meeting with a professional staff member of the Office of the Dean of Students to discuss the alleged violation.

Mitigating Circumstance – Evidence relating to an offense that may offer context to the alleged violation and may reasonably be considered by the Conduct Hearing Committee to lessen the severity of the sanctions.

Notice of Incident – Official letter, containing the alleged Conduct Code violations, which is sent to a student who is accused of having violated the Conduct Code. This letter is sent to a student's college-provided email account or by mail.

Preponderance of the Evidence – The evidentiary standard used to determine if a violation of the Conduct Code was violated or not. This standard means "more likely than not."

Sanction – Disciplinary measures implemented when a student is found responsible for violating the Conduct Code and which are then outlined in the decision letter to the student. A sanction applies college-wide and is not campus specific, unless specifically stated otherwise in the decision letter.

Sexual Assault - Sexual assault is any sexual act directed against another person without consent or where the person is incapable of giving consent. Sexual assault includes intentionally touching, either directly or through clothing, the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against his or her will. Sexual assault includes sexual violence.

Sexual Violence - Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

Student – Individuals enrolled in at least one course during the current semester for credit or non-credit (workforce) or enrolled for at least one course in the upcoming semester at the college.

Prohibited Conduct

Prohibited Conduct

Violating the student code of conduct by engaging in prohibited behavior is subject to disciplinary action. Violations include, but are not limited to, the following:

1. **Abuse:** Any physical or verbal behavior, action, or words that restrict a person's rightful actions and cause a reasonable person to feel threatened or intimidated.
 - a. Physical Abuse is defined as the use of physical force or violence that attempts to or causes harm, restricts the freedom, action, or movement of another person, or endangers the health or safety of another person and restricts his or her rights. Physical abuse also includes physical behavior that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.
 - b. Verbal Abuse is defined as any verbal, written, visual, or gesture directed to someone that would cause a reasonable person to feel fear or intimidation and could interfere with an individual's personal safety, academic efforts, employment, or participation in college-sponsored activities. This can include excessive yelling, name-calling, insulting, and other forms of verbal abuse.
2. **Bomb Threat or Threats of Mass Violence:** Students who make a threat of mass violence against college property and people on it, or encourage, incite, entice, or solicit any person to commit such a threat, shall be disciplined by the college and recommended for criminal prosecution to the full extent of the law. See Workplace Violence Prevention and Threat Assessment Policy (<https://catalog.brcc.edu/policies-procedures/campus/virginia-community-college-system-3145-workplace-violence-prevention-threat-assessment-policy-guidelines/>) for additional details.
3. **Cheating:** This is a form of academic dishonesty. Using or attempting to use unauthorized materials, information, or study aids in any academic exercise. This includes using another person's work and then submitting as one's own work; allowing another to take an examination in one's

name; submitting identical or similar papers in more than one course without obtaining permission from the instructors of all the courses involved. See Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationtext>).

4. **College Misrepresentation:** Unauthorized use of the college's name, logo, or other official college graphics.
5. **Copyright Infringement:** Conduct or activities that violate federal copyright laws including, but not limited to, written or electronic media.
6. **Data Misrepresentation:** This is a form of academic dishonesty. Fabricating data; deliberately presenting assignment data that were not gathered in accordance with assigned guidelines or are deliberately fabricated; or providing an inaccurate account of the method by which the data were gathered and generated. See Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationtext>).
7. **Destruction of Property:** Attempted or actual damage to property of the college or personal property of another, on or off campus, without permission.
8. **Dishonesty:** Furnishing false information to any college official, faculty member, office, or fellow student including, forgery, lying, or deception.
9. **Disruptive Acts:**
 - a. 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.
 - b. 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.
 - c. Substantially unmanageable behavior inside or outside of the classroom or an administrative office, that interferes with teaching, research, administration, or other college or college-authorized activities, or infringes on the rights of others. This includes disruptive behavior at student activities or during college-sponsored trips.
10. **Emergency Safety:** Violations of campus or college emergency regulations, such as failing to comply with emergency evacuation procedures.
11. **Encampment:**
 - a. The construction or occupation of a Camping Tent is prohibited.
 - i. "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."
 - ii. "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.
 - iii. Only tents approved in advance pursuant to the College Facility Use Rules shall be permitted. No Camping Tents shall be permitted at any time. All tents of any type must be removed no later than 11:00 p.m.
 - b. Camping is prohibited on property owned, leased, or operated by the college, Virginia Community College System, or their foundations.
 - i. "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.
 - ii. "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 6:00 a.m. until 11:00 p.m.
 - c. 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.
 - d. These prohibitions shall not apply to federal, state, or local governments or their agencies or to Non-Camping Tents erected for their use.
12. **Facilitating Academic Dishonesty:** This is a form of academic dishonesty. Helping or attempting to help another commit an act of academic dishonesty or seeking unauthorized answers for assignments, quizzes, or tests. See Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationtext>).
13. **Failure to Comply:** Failure to obey the directions of authorized college officials given in the performance of his or her duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; refusal to vacate a college facility when directed to do so.
14. **Falsifying Documentation:** Alteration or misuse of any college document or record. This includes any instrument of identification.
15. **Fire Setting:** Unauthorized setting of fires, or attempt to do so, on college property.
16. **Gambling:** An organized opportunity for others to bet or risk something of value (like money) based on a chance outcome that is out of his or her control or influence with the understanding that they will either gain increased value or lose his or her original value determined by the specific outcome is prohibited on campus without proper approval. Examples include, but are not limited to, holding a raffle or lottery on campus or at college functions without permission or approval.

17. **Harassment:** Defined as severe, pervasive, and objectively offensive speech or actions that undermine equal access to educational benefits or opportunities.
18. **Hazing:** "Hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. Under Virginia law, hazing that causes bodily injury is a criminal act, whereby a person convicted is guilty of Class 1 misdemeanor. Instances of hazing which cause bodily injury shall be adjudicated under this policy, and reported to the applicable Commonwealth's Attorney's office in compliance with Virginia Code § 18.2-56 (<https://law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2-56/>).
19. **Indecent Conduct:** Lewd or obscene conduct, including but not limited to public urination, performing sexual acts in public, or surreptitiously taking pictures or videos of individuals in private areas like locker rooms or restrooms. This also includes unauthorized recording or sharing video, audio, or photograph of any person(s) without his or her consent in any place where there is a reasonable expectation of privacy.
20. **Interference with Safety Equipment or Personnel:** Tampering with or unauthorized use of or interference with fire or emergency equipment (including but not limited to fire extinguishers, fire alarms, and other apparatus) and interference with the actions of emergency personnel.
21. **Littering:** Improperly disposing of trash of any kind. This includes leaving, throwing, or dropping trash anywhere other than in containers designated for trash disposal. This also includes dumping substances or objects into bodies of water.
22. **Masking to Conceal Identity:** 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 a Campus Police Officer or otherwise establish the individual's identity to the satisfaction of the Campus Police Officer.
23. **Minors on Campus:** Bringing a minor on campus in violation of college policies is prohibited conduct. While the College community generally welcomes students and their families to our campuses, safety and other operational goals require that minors who are not enrolled in courses or participating in college-sponsored events or activities always remain under the direct supervision of a responsible adult or family member. See Minors on Campus (<https://catalog.brcc.edu/policies-procedures/campus/children-campus/>).
24. **Parking:** Students are expected to comply with college parking regulations. Parking spaces for persons with disabilities and visitors' areas are reserved for those purposes. Vehicles improperly parked in those areas may be ticketed or towed at the owner's expense. Repeated offenses of the college's parking policies may result in disciplinary action under this Code. See College parking policies (<https://catalog.brcc.edu/policies-procedures/campus/parking-traffic/>).
25. **Plagiarism:** This is a form of academic dishonesty. Presenting as new and original an idea or product derived from an existing source without proper citation. This may include unauthorized use of AI tools. See Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationtext>).
26. **Possession, Distribution, or Consumption of Alcohol and Marijuana:** Use of alcoholic beverages or marijuana products without a college-granted use permit as detailed under college facility policies, including the purchase, serving, consumption, possession, or sale on college property or at college-sponsored events; being under the influence of alcohol or marijuana on college property or at college-sponsored events in violation of the Substance Abuse Policy and Procedure. See BRCC Policy Governing the Use of Alcohol or Other Drugs (<https://catalog.brcc.edu/policies-procedures/campus/substance-abuse-policy/>).
27. **Possession, Distribution, or Consumption of Illegal Drugs or Controlled Substances:** Possessing, using, selling, manufacturing, distributing, or being under the influence of controlled substances while on campus or at college-sponsored events, in violation of the Substance Abuse Policy and Procedure. See BRCC Policy Governing the Use of Alcohol or Other Drugs (<https://catalog.brcc.edu/policies-procedures/campus/substance-abuse-policy/>).
28. **Retaliation:** Engaging in intimidation, threats, coercion, harassment, discrimination, or other adverse action against any other person for the purpose of interfering with any right or privilege provided under a policy, or because the person has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or process afforded under policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstance from opposing practices prohibited by a policy.
29. **Riot:** Participating in or inciting a violent disturbance of the peace in a crowd or disorder in an assembly.
30. **Sexual Exploitation:** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual harassment offenses. Examples of sexual exploitation include prostituting another person; non-consensual video or audio-taping of otherwise consensual sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), and knowingly transmitting HIV or another sexually transmitted disease to another person.
31. **Sexual Harassment:** Engaging in conduct on the basis of sex that satisfies one or more of the following:
 - a. Quid Pro Quo: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly;
 - b. Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity of the college, including a student's educational experience or an employee's work performance; and
 - c. Clery Act or VAWA Offenses: Sexual assault or sexual violence, dating violence, domestic violence, and stalking, as defined in this policy. See Policy on Sexual Harassment (<https://www.brcc.edu/about/policy/sexual-domestic-dating-violence-stalking/>).

32. **Sexual Misconduct:** Engaging in Sexual Harassment as defined herein, that falls outside of the jurisdiction for a formal complaint and the processes set forth in the Sexual Harassment Policy pursuant to Title IX. See Policy on Sexual Harassment (<https://www.brcc.edu/about/policy/sexual-domestic-dating-violence-stalking/>).
33. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Such conduct can occur in person or online, but the conduct must involve an education program or activity of the college. See Policy on Sexual Harassment (<https://www.brcc.edu/about/policy/sexual-domestic-dating-violence-stalking/>) and Workplace Violence Prevention Policy (<https://www.brcc.edu/about/policy/workplace-violence-prevention/>).
34. **Threatening or Intimidating Behavior:** Any words or actions that express, imply, or encourage an actual threat to the safety or well-being of others or college property. This includes fighting words that inherently are likely to provoke a violent reaction.
35. **Theft:** Stealing or possessing unauthorized material, including taking property belonging to another person or to the college without authorization or through unlawful means.
36. **Tobacco or Smoking Violation:** Violating college policy by smoking, vaping, using a hookah, or consuming any type of tobacco product in any college facility or outside of designated areas, or within 25 feet of any college building.
37. **Unapproved Animals:** Unapproved animals, including pets, are not permitted in college buildings or at college-sponsored activities on or off campus unless stated otherwise. This prohibition does not apply to Service Animals that support people with disabilities.
38. **Unauthorized Use of Electronic Devices:** Violating established classroom or college policy by unauthorized use of electronic devices in the academic setting.
39. **Unauthorized Use of Facilities, Property, or Resources:** Unauthorized entry, use, or occupation of college buildings or facilities.
40. **Unprofessional or Inappropriate Behavior within a Program-Specific Setting, Clinical Environment, or Internship Experience:** Conduct that is non-compliant with standards and expectations set forth in academic programming handbooks in a program in which the student is participating. This includes the professional or accreditation standards identified in the program handbook or a violation of clinical or other affiliated site expectations or guidelines as part of the program curriculum.
41. **Violation of IT Security Policies:** Violating the college's online security policy (e.g., IT security and acceptable use policies). See BRCC/VCCS Acceptable Use Policy (<https://catalog.brcc.edu/policies-procedures/campus/computers-campus/>).
42. **Violations of Laws, Regulations, and Ordinances:** 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 Office of Student Rights and Responsibilities, 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.
1. **Weapons Violation:** Possession or carrying of any weapon by any person, except a police officer, is prohibited on college property in academic buildings, administrative office buildings, student centers, child care centers, dining facilities and places of like kind where people congregate, or while attending any sporting, entertainment, or educational events. Entry upon the aforementioned college property in violation of this prohibition is expressly forbidden. A student in violation of this prohibition will be asked to remove the weapon immediately and may be subject to a referral for further discipline under this Policy. For additional definitions, including what constitutes a "weapon" for purposes of this policy, refer to the BRCC Weapons Policy (<https://catalog.brcc.edu/policies-procedures/campus/state-board-community-colleges-weapons-regulations/>) and State Code of Virginia (<https://law.lis.virginia.gov/admincode/title8/agency95/chapter10/section10/>).

Disciplinary Procedures

Disciplinary Procedures

All students are afforded the right to due process for any violation. This process is defined below:

1. **Incident Report is Submitted**
 - a. Any academic or administrative official, faculty member, student, or member of the public may file a complaint against any student for misconduct. Reports may be digitally submitted here (<https://www.brcc.edu/public-safety/>).
 - b. Any administrator, college official, faculty member, or student wishing to file complaints against a college employee must follow a separate protocol as outlined in the human resource policy manual or the formal complaint procedure. BRCC's complaint procedure (<https://catalog.brcc.edu/policies-procedures/campus/student-complaint-appeals-processes/>) outlines this process.
 - c. If the alleged violation involves allegations of Sexual Harassment as defined herein, the report must be referred to the Title IX Coordinator for evaluation under the college's Policy on Sexual Harassment (VCCS Appendix I to Section 6.0, as adopted by the college). The Policy on Sexual Harassment (<https://www.brcc.edu/about/policy/sexual-domestic-dating-violence-stalking/>) takes precedence for any conduct falling within its jurisdiction.
 - i. If the Title IX Coordinator determines that the conduct as alleged does not fall under that policy, then the Coordinator will refer the matter back to the Dean of Students (or designee) to be addressed as described herein.
 - ii. If the Title IX Coordinator determines that the conduct as alleged does fall under that policy, the referral to the Title IX Coordinator should be documented. The alleged violation will be adjudicated through Title IX procedures and not through the Conduct Code described herein.

- d. If the Dean of Students (or designee) believes that the alleged conduct presents an immediate danger to the community, the report will be immediately referred to BRCC's Threat Assessment Team (TAT).
 - i. The Dean of Students (or designee) may also proceed with interim actions afforded under this policy and concurrently proceed with the processes described herein after the referral to TAT is made.
 - ii. The Dean of Students (or designee) may take additional actions after/if receiving a recommendation from TAT.
- e. If the alleged violation involves academic dishonesty, the case will be adjudicated through the college's Academic Dishonesty Policy and Procedures as found in Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationstext>).

2. Review of the Report

- a. When the Dean of Students (or designee) receives a formal complaint that a student has allegedly violated the Conduct Code, the Dean of Students (or designee) shall investigate the alleged violation. After completing the preliminary investigation, the Dean of Students (or designee) will either:
 - i. Dismiss the allegation as unfounded, or
 - ii. Issue a notice of incident and schedule an informal hearing between the student and Dean of Students (or designee) to discuss the charges.

3. Informal Hearing

- a. If the Dean of Students (or designee) determines an informal hearing is required as described in Provision 2, a notice of incident and informal hearing meeting request will be sent to the student via mail and/or college-provided email address contained in the college record.
 - i. The notice of incident will inform the student of the alleged violation of the student code of conduct.
 - ii. The notice will instruct the student to respond within five (5) business days from the date of the correspondence to arrange an informal hearing.
 - iii. An informal hearing time will be set after consultation with all parties involved but must occur within fourteen (14) business days of the date the notice of incident was sent to the student.
 - iv. If the student fails to respond or appear, the Dean of Students (or designee) may not make an inference of responsibility due to the student failing to respond or appear. The Dean of Students (or designee) may still find the student responsible, if supported by the weight of the evidence obtained, and impose sanctions.
- b. During the informal hearing, the Dean of Students (or designee) will advise students of allegation(s) and explain the student conduct process and clarify student's rights and responsibilities. The student may present his or her case and any mitigating circumstances. Every effort will be made to resolve the matter by mutual agreement.
- c. After the informal hearing, the Dean of Students (or designee) will take one of the courses of action listed in Provision 4, "Disposition of a Violation."

4. Disposition of a Violation As a result of the informal hearing, the Dean of Students (or designee) may select one of the following (4a, 4b, or 4c) as a course of action, depending on the circumstances:

- a. **Proceed administratively if it is determined that the facts of the alleged violation are not in dispute by the student.**
 - i. When the facts of the alleged violation are not in dispute, the Dean of Students (or designee) may administratively dispose of any violation.
 - ii. In administratively disposing of a violation, the Dean of Students (or designee) may impose any disciplinary action authorized under the section entitled "Sanctions." Mitigating circumstances presented by the student shall be considered. Whether the mitigation offered by the student is sufficient to affect the final disposition is within the discretion of the Dean of Students (or designee).
 - iii. The Dean of Students (or designee) will prepare a decision letter within five (5) business days and forward a copy to the student and to other appropriate administrative personnel.
 - 1. The decision letter will set forth both the finding and rationale in support of the finding.
 - 2. The decision letter will outline any sanctions imposed.
 - 3. The decision letter will become part of the student's conduct record.
 - 4. The decision letter will include information on the appeal process.
 - 5. In cases of suspension or dismissal, the complainant must also be notified of the outcome in compliance with *Code of Virginia § 23.1-412*.
- b. **Proceed administratively if it is determined that the facts of the alleged violation are in dispute and/or must be further investigated.**
 - i. When the facts of the alleged violation are in dispute, the Dean of Students (or designee) may elect to gather additional information concerning the allegation and then choose to administratively dispose of the violation or refer the case to a formal conduct hearing.
 - ii. If the Dean of Students (or designee) elects to gather more information, follow-up with the accused student must occur within ten (10) business days of the informal hearing.
 - iii. If the Dean of Students (or designee), upon initial review of the report in Provision 2 above, determines that the alleged violation, if founded, could result in a sanction of suspension or dismissal from the college or program and the student disputes the facts of the alleged violation, the Dean of Students (or designee) must refer the case to a Conduct Hearing Committee and proceed under 4c. The Dean of Students (or designee) may elect to defer to the Conduct Hearing Committee as described in 4c at any time prior to rendering a determination if facts discovered during the investigation, in the discretion of the Dean of Students (or designee), warrant review by the Conduct Committee.
 - iv. In administratively disposing of the violation where the facts are in dispute, the Dean of Students (or designee) will:

1. Make a finding of responsible or not responsible.
2. If the student is found responsible, the Dean of Students (or designee) will impose disciplinary measures authorized under the section entitled "Sanctions." Mitigating circumstances presented by the student shall be considered. Whether the mitigation offered by the student is sufficient to affect the final disposition is within the discretion of the Dean of Students (or designee).
3. Prepare a decision letter and forward a copy to the student and to other appropriate administrative personnel.
 - a. The decision letter will set forth both the finding and rationale in support of the finding.
 - b. The decision letter will outline any sanctions imposed.
 - c. The decision letter will become part of the student's conduct record.
 - d. The decision letter will include information on the appeal process.

c. Refer the case to a formal conduct hearing

- i. When the Dean of Students (or designee) decides 4a and 4b do not apply and decides to refer the case directly to a conduct hearing, the steps outlined in Provision 5 "Formal Conduct Hearing" will be followed.
- ii. The Dean of Students (or designee) will prepare a formal complaint based on the allegation along with a list of witnesses and documentary evidence supporting the allegations.

5. Formal Conduct Hearing

- a. The conduct hearing committee will be selected by the Dean of Students (or designee).
 - i. The committee shall consist of three (3) members composed of a combination of staff and faculty. One student may be substituted for a staff or faculty member. All members must be trained in the conduct process. The Dean of Students (or designee) should consider any possible conflicts of interest when the committee members are chosen. To the extent possible, the committee should be composed of individuals uninvolved in the allegation and without prior knowledge of it.
 - ii. The names of the hearing committee members shall be provided to the student at the time of selection. The student may object to a committee member on the basis of bias or other good cause shown and request that another person be chosen from the list in that same category. One student requested substitution, with written justification, is permitted.
 - iii. A committee member who is selected for the hearing may request that another person be chosen if the selected member believes he or she cannot provide a fair judgment in the matter. The objecting committee member must provide a written justification to the Dean of Students (or designee) in support of removal. The removal of the proposed committee member is at the discretion of the Dean of Students (or designee).
- b. The conduct hearing committee will set the date, time, and place for the hearing.
 - i. The Dean of Students (or designee) will notify the student by email, mail, or by hand delivery of information pertaining to the date, time, and place of the hearing. The notice of the hearing will be sent within five (5) business days following confirmation of the hearing committee membership.
 - ii. The hearing will take place within ten (10) business days of the selection of the conduct hearing committee, unless an extension is mutually agreed upon between the student and the college.
 - iii. The Dean of Students (or designee) will have the discretion to alter the arrangements of the hearing for good cause.
- c. The conduct hearing committee will hold the hearing as scheduled and determine a ruling whether or not the student is present, provided the committee has confirmation that the student received actual notice of the date, time, and place of the hearing.
- d. The student alleged to have violated the Conduct Code has the right to be accompanied by an advisor, who may come from within or outside the College. The participation of the advisor shall be restricted to advising the accused only. The advisor shall not participate in the actual proceedings of the hearing, to include discussion with the Dean of Students (or designee) or examination of the witnesses. The advisor shall be required to sign a confidentiality agreement as a condition of participation.
- e. The committee will presume a student is not responsible for the alleged violation unless and until the facts and information presented support a decision to the contrary. A student will be found in violation when the preponderance of the evidence (over 50%) indicates that the student has violated the Conduct Code.
- f. The committee will proceed as follows during the hearing:
 - i. The Dean of Students (or designee) reads the complaint.
 - ii. The Dean of Students (or designee) presents the college's case. Any person giving testimony may be questioned, at the completion of the witness's testimony, by the student. The Dean of Students (or designee) has the right to ask questions of the witness at any time and to recall witnesses at his or her discretion.
 - iii. The student presents his or her defense and any mitigating circumstances. The committee shall not require the student to testify, nor shall the committee prevent the student from testifying. Any person giving testimony on behalf of the student may also be questioned by the Dean of Students (or designee).
 - iv. The Dean of Students (or designee) and the student may present rebuttal evidence and argument.
 - v. Committee members may freely question witnesses at any time.
 - vi. In a closed meeting, the conduct hearing committee will discuss the case and vote whether or not there has been a violation of the Conduct Code. If a majority of the committee (at least 2 out of 3 voting members) find the student violated the Conduct Code, the committee will select and recommend an appropriate sanction from the list in the section entitled "Sanctions." Determination of the sanction must be approved by a majority of the committee members. The committee must also provide a rationale for the recommended sanction.

- vii. The committee will notify the Dean of Students (or designee) of the committee's decision and its recommended sanction, if any, within 24 hours of the conclusion of the hearing.
- g. The Dean of Students (or designee) has the discretion to accept the hearing committee's recommended sanctions or impose another sanction supported by the evidence. After the Dean of Students (or designee) makes the final determination on any sanctions, the officer will then prepare a decision letter and forward a copy to the student, the hearing committee, and other appropriate college personnel within five (5) business days of the conclusion of the hearing.
 - i. The decision letter will set forth both the finding and rationale in support of the finding.
 - ii. The decision letter will outline any sanctions imposed (if a student is found responsible).
 - iii. The decision letter will become part of the student's conduct record.
 - iv. The decision letter will include information on the appeal process (if a student is found responsible).
 - v. This notification will be sent via the student's college-provided email account and/or physical mail to the student.
 - vi. New information that becomes available after the conclusion of the hearing but prior to the final decision of the Dean of Students (or designee) may, at the discretion of the Dean of Students (or designee), be referred to the conduct hearing committee for reconsideration of the case.
 - vii. In cases of suspension or dismissal, the complainant must also be notified of the outcome in compliance with the *Code of Virginia § 23.1-412*.
- h. **Hearing Records**
 - i. All relevant evidence will be given to the committee during the hearing and be made part of the hearing record.
 - ii. The hearing record will also include a copy of the notice of the hearing that was provided to the student.
 - iii. The hearing record will be forwarded to the Dean of Students (or designee) and securely maintained.

Sanctions

Violations of the Conduct Code can result in one or more of the following sanctions as deemed appropriate. All sanctions become part of the student's conduct record. The list of sanctions is not a progression.

1. **Disciplinary Warning:** A written warning to a student that his or her conduct violated the Conduct Code, and that further misconduct will result in more severe disciplinary action. Disciplinary warning may include but not limited to a behavior agreement or contract.
2. **Restitution:** Compensation for damages or losses caused.
3. **Loss of Privileges:** Exclusion from college extracurricular activities, specified college facilities, or other restriction of movements while at the institution for a period of time not to exceed one year. The student may still attend academic classes.
4. **Program Dismissal:** Administrative withdrawal from an academic program due to violation of the program's specific conduct standards, which may include violations of this Conduct Code or other program specific policies as set forth in its Handbook. Effects and eligibility of a program dismissal are set forth in the specific program's policies. Tuition refunds for dismissed students are governed by the Tuition Refund Appeal process (<https://www.brcc.edu/tuition-financial-aid/tuition/refunds/refund-appeals/>) and are not guaranteed.
5. **Disciplinary Probation:** A specified period of time which is intended to foster reflection, responsibility, and improved decision making. During this period, the student is not in good standing with the college and may be barred from participating in certain college activities. Future violations of the code of conduct while a student is on disciplinary probation may result in additional and more severe sanctions, including suspension or dismissal.
6. **Suspension:** A specific period of time, which may extend for up to two calendar years, during which a student is not permitted to participate or enroll in college classes. A student assigned this sanction will be administratively withdrawn from all enrolled classes upon the expiration of the appeal period. Tuition refunds for suspended students are governed by Tuition Refund Appeal process (<https://www.brcc.edu/tuition-financial-aid/tuition/refunds/refund-appeals/>) and are not guaranteed.
7. **Dismissal:** A permanent separation of a student from the college which is assigned to the most serious conduct cases. Depending on the type of violation, an Academic or Behavioral dismissal may be assigned. Behavioral dismissals are administered under the disciplinary procedures described in the section entitled "Disciplinary Procedures." For more information on academic dismissals, see Academic Integrity/Dishonesty Policy (<https://catalog.brcc.edu/policies-procedures/student-rights/#honorcodeandbehaviorviolationstext>). Either type of dismissal is permanently notated on a student's transcript. A student assigned this sanction will be administratively withdrawn from all classes upon the expiration of the appeal period. Tuition refunds for dismissed students are governed by the Tuition Refund Appeal process (<https://www.brcc.edu/tuition-financial-aid/tuition/refunds/refund-appeals/>) and are not guaranteed.
8. **Community Service:** Service-learning hours or volunteer work.
9. **Character Development:** Required attendance at an educational workshop, research and writing assignments, or participation in a mentorship program.
10. **Other Sanctions:** Including but not limited to, no contact orders or removal from a class.

Appeal Procedures

Appeal Procedures

The student has the right to appeal the case decision to the Vice President of Academic Affairs within five (5) business days from the date the decision letter was sent to the student's college-provided email account. In cases where the decision letter is sent by physical mail, the student must appeal within five business days from the mail delivery date.

Appeals must be submitted in writing and include a detailed explanation of the grounds for the appeal. Appeals should be submitted via email to appeal@brcc.edu.

The grounds for an appeal are as follows:

1. Procedural Error – Meaning the college conduct process as outlined was not followed. The student must state how the alleged procedural error caused undue harm.
2. New Information – Meaning information became available after the Disposition of Violation that was not reasonably available prior to and which is of a character that, if known, may have affected the outcome of the case.
3. Fundamental Unfairness – Meaning the sanction is disproportionate to the Code violation(s). A student's disagreement with a finding of responsibility or a particular sanction does not constitute fundamental unfairness.

The Vice President of Academic Affairs will review the appeal request and determine if grounds for an appeal have been met.

The Vice President of Academic Affairs may:

1. Find that the appeal is not timely or does not state adequate grounds for appeal according to the listing above and dismiss it. The decision is final.
2. Affirm the finding and sanction imposed. The decision is final.
3. Affirm the finding and reduce, but not eliminate, the sanction. The decision is final.
4. Remand the case back to the Dean of Students (or designee) or conduct hearing committee for consideration of new evidence or a procedural error.

The final decision on the appeal will be provided to the student through the student's college-provided email account or by mail within ten (10) business days.

General Provisions

1. Throughout the conduct process, the student may continue to attend classes, unless the Dean of Students (or designee) determines that the student's continued presence poses a significant disruption to the educational rights of other students. The Dean of Students (or designee) must make a request for interim action from the Vice President of Academic Affairs, who can approve or deny the recommended interim action. Depending on the nature of the alleged violation, interim actions may include, but are not limited to, interim suspension and administrative no-contact orders between individuals or groups. When possible, alternative arrangements will be made for the student to continue to meet academic requirements. If an interim action is determined to be needed, the Dean of Students (or designee) will notify the student in writing of the specific facts and circumstances that make the action necessary. This decision is not appealable.
2. Students needing assistance or disability accommodations with respect to these procedures must request such in a timely manner so that appropriate actions can be taken without unnecessary delays to the process. Students should contact the Dean of Students (or designee) with requests or contact the Office of Student Accessibility with questions or for assistance.
3. The college investigates all reports of sexual harassment or sexual misconduct. Incidents of alleged sexual harassment should be reported to the college's Title IX Coordinator (https://cm.maxient.com/reportingform.php?BlueRidgeCCVA&layout_id=2). The Sexual Harassment Policy (<https://www.brcc.edu/about/policy/sexual-domestic-dating-violence-stalking/>) takes precedence for any conduct falling within its jurisdiction.
4. Conduct violations that are specific to a program of study, as detailed in a program handbook, must be adjudicated through this Conduct Code.
5. A student is presumed to be mentally and physically fit to participate in educational programming when he or she enrolls. If a student's conduct indicates they may not be fit, the college can require an evaluation of fitness to continue educational programming. The student will be required to follow any recommendations made by the evaluator.