

GENERAL PROVISIONS

The chancellor of the VCCS is authorized by the State Board for Community Colleges to impose appropriate penalties including expulsion from the college for student conduct which tends to discredit or injure the college. This authority has been delegated by the chancellor to the administration of each community college, subject to review by the chancellor or a delegated representative.

The Virginia Community College System guarantees to students the privilege of exercising their rights of citizenship under the Constitution of the United States without fear of prejudice and takes special care to ensure due process and to spell out defined routes of appeal when students feel their rights have been violated.

As a student, you are considered a responsible adult and are expected to maintain standards of conduct appropriate to membership in the college community. The college, therefore, emphasizes standards of student conduct rather than limits or restrictions on students. Guidelines and regulations governing student conduct usually are developed by representatives of the students, faculty, counseling staff, and administration.

The college reserves the right to take disciplinary action compatible with its own best interest if such action is clearly necessary. Failure to meet standards of conduct acceptable to the college may result in disciplinary probation, suspension, dismissal, or other penalty depending upon the nature of the offense.

Students who are dismissed must reapply to the college. Readmission is not assured.

STUDENT PROTECTIONS

Non-Discrimination Policy

Tidewater Community College is an equal opportunity/affirmative action institution. It is the policy of Tidewater Community College to maintain and promote equal employment and educational opportunities without regard to race, color, sex or age (except where sex or age is a bona fide occupational qualification), religion, disability, national origin, or other non-merit factors.

Disability

Disability Services provides students programmatic and physical access in compliance with section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act of 1990, and the Rehabilitation Act Amendments of the Workforce Investment Act of 1998.

Requests for accommodations should be made to the designated campus disability services staff at least 45 days before classes begin. Documentation must be provided to support need for accommodations. Guidelines for documentation are available from campus disability staff.

CHAPTER 10

Student Conduct

Title IX

The college seeks to comply with Title IX of the Higher Education Amendments of 1972.

Appeals of Title IX, Sec 504 Matters

In student grievances arising under Title IX, Higher Education Amendments of 1972 (sex discrimination) and/or the Rehabilitation Act of 1973, Sec 504, the student may appeal the provost's decision to the college. Title IX and/or Sec 504 student grievance officer (college dean). The grievance officer will make such investigations, findings of fact, and conclusions as are supported by the evidence and recommend a disposition to the provost.

Family Educational Rights and Privacy Act

Tidewater Community College has policies and procedures regulating access to, challenge of, release of, and complaints regarding student educational records, in accordance with the Family Education Rights and Privacy Act (FERPA) of 1976, 45CFR9963. Copies are available in the office of the campus Dean of Students or provost. (See *Directory Information Policy*, page 86.)

STUDENT GRIEVANCE PROCEDURE

The student grievance procedure exists to provide an equitable and orderly process for the resolution of grievances other than appeals of final grades by students.

A grievance is defined as a difference or dispute between a student and a college employee regarding the application of campus, college, or VCCS rules, policies, procedures, and regulations, as they affect the student. See the complete *Student Grievance Procedure* on page 156.

CONDUCT GUIDELINES

Prohibited Conduct

Students may be subject to disciplinary action for on-campus or off-campus conduct.

Federal, state and local laws apply on campus. Disciplinary action may be initiated for the following conduct, which also may constitute conduct leading to criminal charges, in the following circumstances:

1. **Criminal Charges.** When you are formally charged with the commission of a crime.
2. **Threat to Health or Safety.** When your continued presence at the college is deemed to constitute a threat to the health, safety, or welfare of members of the campus community.

3. **Bomb Threat, Fire Alarm, Hoax.** When you activate a fire alarm without cause, or make a threat to bomb or damage college property, students, faculty, staff, or visitors; or undertake a hoax involving use of supposedly destructive device or substance; or encourage, incite, entice, or solicit any person to commit such a threat or such an act, YOU SHALL BE DISCIPLINED BY THE COLLEGE AND RECOMMENDED FOR CRIMINAL PROSECUTION TO THE FULL EXTENT OF THE LAW.
4. **Weapons.** When you possess, on your person or in your car, or use weapons, to include guns, knives, etc.
5. **Obscenity, Profanity.** When you utter obscene or profane words.
6. **Assault, Battery, Fighting.** When you engage in assault or battery, or fight.
7. **Sexual Assault, Stalking.** When you engage in sexual assault or stalking.
8. **Hazing, Harassment.** When you engage in hazing, psychological abuse, racial, sexual or other harassment.
9. **Theft.** When you engage in theft, larceny, embezzlement, or the temporary taking of the property of another.
10. **Property Destruction.** When you destroy, damage, deface, or misuse public or private property.
11. **Illegal Entry.** When you illegally enter or occupy state property.
12. **Riot.** When you engage in a riot or a disorderly assembly.
13. **Gambling.** When you engage in unauthorized gambling or gaming.
14. **Alcoholic Beverages.** When you possess, consume, or display behavior arising out of the consumption of alcoholic beverages.
15. **Drugs.** When you engage in the possession, use, sale, or manufacture of illegal or controlled drugs.
16. **Forgery.** When you forge, alter, or misuse college documents or records, to include student identification cards.
17. **Computer Security.** When you make unauthorized use of computer resources, or make unauthorized efforts to penetrate or modify any computing hardware or software, or use computer resources to effect any of the acts prohibited by the Handbook.

Disciplinary action by the college is not a criminal process, and the double jeopardy doctrine does not apply to student discipline. The college may elect to process a charge of misconduct even if the student may be or has been charged with a criminal offense arising out of the same act. The college will not delay its processing of a matter because of pending criminal charges, a trial, or an appeal.

CHAPTER 10

Student Conduct

Disciplinary action may also be initiated when you are reported to college officials for conduct prejudicial to the academic or other functions of the college. Such conduct includes, but is not limited to, the following:

1. **Disruption.** Disruption of a classroom, laboratory, library, office, public student space (such as a student center), meeting, or hearing.
2. **Cheating.** Academic cheating or plagiarism, or assisting in such.
3. **False Information.** Providing false information to the college.
4. **Registration Data.** Tampering with student registration data, or misuse of the student registration PIN number.
5. **Debt.** Issuing bad checks or failing to pay a debt owed to the college.
6. **Children on Campus.** Failure to comply with college policy regarding children on campus.
7. **Smoking.** Smoking tobacco or similar products inside college buildings, or in areas of the college grounds where smoking is prohibited.
8. **Littering.** Littering college grounds or buildings.
9. **Traffic Rules.** Failure to obey traffic and parking rules, or failure to obey commands of college security staff.
10. **Failure to comply.** Failure to comply with an official and proper order of a duly designated college official, or with any college policy or procedure. Information or documents provided to the college in relation to any disciplinary action becomes the property of the college. If requested, persons providing documents may request that they receive copies.

In summary, rights and responsibilities are equal for all persons. Freedom of speech includes the freedom not to listen. Federal, state, and local laws apply on the campuses. Rights and responsibilities are irrevocably intertwined. Personal conduct, both on and off campus, reflects equally upon the student, the student's family, and the college. Disorderly conduct will not be tolerated. The college places primary responsibility for student conduct on the student. Students are also responsible for the conduct of their guests at college events.

Children on Campus

TCC has no facilities to provide care for the children of students or visitors. Children cannot be left unattended on the grounds, in automobiles, snack bars, lounge areas, administrative offices, registration sites, or Learning Resources Centers. Children cannot be taken into classrooms or laboratories. Failure to comply with this policy will lead to disciplinary action or to referral to appropriate law enforcement officials.

Destruction of College Property

Destruction of state (college) property must be reported to the Virginia State Police for their investigation and prosecution. Once committed, the criminal act of destroying public property cannot be undone. The act of destroying state or private property is not rescinded by an apology or by restitution.

Drug and Alcohol Abuse Policy

The unlawful possession, use, or distribution of drugs and alcohol by students and employees on college property or as a part of any college activity is prohibited.

The legal sanctions under federal and state law for unlawful possession, use, or distribution of illicit drugs and alcohol include fines and imprisonment.

Substantial health risks have long been associated with the use of illicit drugs and alcohol. These include death; severe impairment of respiratory, circulatory, and other systems; damage to various organs, including, but not limited to, the liver and the brain; and a host of other drug and alcohol induced health risks.

Drug and alcohol counseling, treatment, or rehabilitation programs are available by contacting each campus Counseling Center, or may be obtained from the Community Services Board in the student's or employee's city of residence, or from any private provider.

Students attending a community college may not possess, sell, use, give away, or otherwise distribute illegal drugs. Students violating this policy are subject to suspension, expulsion, or other appropriate discipline. College charges will be processed against students in the normal manner provided by the college rules.

“Faculty members, staff members, or any employee of a community college may not possess, sell, use, give away, or otherwise distribute illegal drugs. Faculty members, staff members, or any employees of a community college violating this rule are subject to suspension or other appropriate discipline as provided in the policies, procedures and regulations of the State Board for Community Colleges and/or the State Personnel Statutes and/or the laws of the Commonwealth of Virginia, the counties, and city governments.

In cases where the president or the president's designee believes that the continued presence of a person charged with possession, sale, use or distribution of illegal drugs presents a serious and immediate threat to the welfare of the college community, the students, faculty members, or staff members will be afforded due process and a hearing as soon as possible, after which appropriate action will be taken”.¹

The college is pledged in every way possible to help individuals achieve a realistic understanding of the consequences of drug use for themselves and society. Only informed men and women can hope to make the responsible decisions required to prevent the proliferation of drug abuse. Literature concerning drugs is available from the counselors.

¹ Section 22 of Public Law 101-226, the Drug Free Schools and Communities Act Amendments of 1989.

CHAPTER 10

Student Conduct

Counseling assistance is also available on a confidential basis for any member of the college community who needs this help.

Partisan Political Activity, Assembly

Students may conduct political activities on the campuses, but such activities must be conducted with respect for the rights of all students, without disturbing classes or administration of the college and consistent with statutes and regulations governing partisan use of public property.

The right of free speech irrevocably includes the right to speak, the right to listen, the right to be quiet, and the right not to listen. The right to peaceably protest or demonstrate irrevocably includes the right not to agree and the right not to participate.

It is permissible for members of college organizations to state their position on controversial matters. However, each organization must file in the campus Provost's Office a completed Campus Event Form 96 hours in advance of any demonstration. The form is available in the Campus Dean of Student Services (or designee's) Office.

To prevent misunderstanding, the chancellor has issued the following clarifications:

1. When an assembly on campus of students not authorized by the college has been requested to disband by the President or another designated officer, those refusing to comply will be subject to immediate suspension and/or dismissal and legal action.
2. In the event that an assembly appears to be a demonstration related to grievances, those present should be advised that orderly procedures for the hearing of grievances are available to which adherence is mandatory. College officials will not negotiate with such groups under conditions of duress, such as unauthorized occupation of college property.
3. Any unauthorized occupation of buildings and/or college property constitutes reason for immediate suspension and/or dismissal from the institution of students who may be involved. Furthermore, legal action will be brought against any student involved in illegal acts on community college property.
4. Any person currently not a student is not allowed to participate in demonstrations on the campuses.
5. All formal disciplinary actions taken under this policy are grievable and the accused may pursue the finding through the appropriate grievance procedure.

Racial Harassment

The harassment of students, faculty, or staff due to their race or national origin is prohibited. College disciplinary procedures or grievance procedures will be utilized when allegations of racial harassment are made. The college will utilize the Notice of Investigative Guidance on Racial Harassment, promulgated by the US Office of Education's Office of Civil Rights, in addressing such matters.

Sexual Harassment and Misconduct

The harassment of students, faculty, or staff due to their sex is prohibited. College disciplinary or grievance procedures will be utilized when allegations of sexual harassment are made. The college will utilize the Notice of Investigative Guidance on Sexual Harassment, published by the U.S. Office of Education's Office of Civil Rights, in addressing such matters.

Tidewater Community College's position is that sexual assault and sexual harassment are forms of misconduct that undermine the integrity of the student and employment relationship. No student or employee—either male or female—should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual misconduct does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work and academic effectiveness. Such behavior may result in disciplinary action up to and including dismissal. Additionally, a student or employee charged with sexual misconduct can be prosecuted under Virginia criminal statutes. See page 152 for the complete *Sexual Misconduct Policy*.

Acceptable Use of Electronic Resources

As part of its mission, the college provides access to the Internet on each campus. In accordance with the American Library Association's position on the widest possible access to all resources of the Internet without discriminating against any category of library user, our patrons will be allowed the fullest access to the Internet, unless restricted by federal, state, local, and institutional laws and policies. These include laws dealing with copyright, libel, obscenity, and plagiarism. Since the Internet is an unregulated information source, the college has no control over the information found therein and cautions that the Internet may contain inaccurate materials or materials of a controversial nature. The staff reserves the right to monitor its computer resources to protect the integrity of the computing systems, to track problems, and to insure equal and appropriate access to all users (i.e. time limits can be imposed during high use periods). Computer users are asked to employ common sense and courtesy in their use of the college's resources.

VCCS Computer Ethics Guidelines

State Law (Article 71 of Title 182 of the Code of Virginia) classifies damage to computer hardware or software (182-1524), unauthorized examination (182-1525), or unauthorized use (182-1526) of computer systems as (misdemeanor) crimes. Computer fraud (182-1523) and use of a computer as an instrument of forgery (182-1524) can be felonies. See the complete *VCCS Computer Ethics Guidelines* on page 158.

CHAPTER 10

Student Conduct

DISCIPLINARY PROCESS

Application of Law; Double Punishment

The laws of the United States; the laws of Virginia; the ordinances of the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach; and Virginia Community College System regulations are fully applicable on the campuses concerned. These laws and regulations were not written by the college and cannot be altered or suspended by college officials.

A single act may simultaneously violate a federal law, a state law, a county ordinance, a city ordinance, and a college regulation. Judgment and punishment by one governmental agency for a violation of its laws and a second judgment and punishment by a different governmental agency for a violation of its laws, even though based on the same act, do not constitute double jeopardy.

Application of College Regulations

Tidewater Community College, in common with other educational institutions, has for its orderly and effective conduct, special regulations in addition to the laws of the land. Developed by the college and approved by the Tidewater Community College Board and Student Government Association, these regulations supplement, but do not supersede, higher laws and regulations. Regulations in addition to those published in this *Handbook* may originate with the Student Government Association, the faculty, and/or the administration.

Concurrent Criminal Prosecution and College Discipline

The policy of the college in cases of violation of federal, state, county, or city laws is to state the facts to the appropriate, duly constituted authorities and to press neither for, nor interfere with, investigation, trial and punishment. Separate action by the college for violation of college rules will be conducted without reference to the action of other authorities.

Delegation of Legal Authority

Under the authority of the Chancellor of the Virginia Community College System, the college is delegated the responsibility for establishing and enforcing regulations pertaining to student conduct.

ACADEMIC MISCONDUCT POLICY

Definition

Academic misconduct includes, but is not limited to, the following actions:

- > Cheating on an examination or quiz — either giving or receiving information
- > Copying information from another person for graded assignments
- > Using unauthorized materials during tests
- > Collaboration during examinations
- > Buying, selling or stealing examinations
- > Arranging a substitute for oneself during examinations
- > Substituting for another person, or arranging such a substitution
- > Plagiarism — the intentional or accidental presentation of another's words or ideas as your own
- > Submission of work other than your own for written assignments
- > Collusion with another person or persons in submitting work for credit in class or lab, unless such collaboration is approved in advance by the instructor

Faculty Disposition of Academic Misconduct

Faculty members processing an instance of apparent academic misconduct in which the penalty sought is not dismissal from the college will employ the following procedure:

Faculty members who have reliable evidence of academic misconduct will (1) investigate the matter, and (2) review the facts of the matter and the proposed penalty with the appropriate academic dean. They may then take one or more of the following actions:

- > Require the work to be accomplished again
- > Give no credit for the test, paper or exercise
- > Assign a grade of W or F for the course
- > Refer the matter to the campus Dean for Student Services or designee for possible disciplinary sanction through the college's disciplinary procedure

If the faculty member chooses to refer the matter to the campus dean or designee for disposition, the *Plenary Disciplinary Procedure* (see page 124) shall be followed, and dismissal from the college is a possibility.

CHAPTER 10

Student Conduct

Students may appeal a faculty penalty through the *Student Final Grade Appeal Procedure* (see page 75) when a final course grade is involved, or through the *Student Grievance Procedure* (see page 156), for penalties not involving final course grades.

Interim Removal from Class, Laboratory, or Instructional Facility

The faculty member or appropriate staff/administrative personnel may temporarily bar a student from attending class or using an instructional facility, where conduct may violate college conduct rules. Immediate referral of the student to the campus dean shall occur.

Interim Suspension: Clear and Present Danger

When a student's conduct poses a clear, present, and immediate threat of harm to him or herself, others, or to college property, the college reserves the right to effect an interim suspension of the student.

The college will hold a plenary (full) discipline hearing on the matter within a reasonable period of time.

PLENARY DISCIPLINARY PROCEDURE

A. Preparation, Filing of Written Complaint

Disciplinary action may be initiated by a complaint in writing filed by any member of the college community, including members of the faculty and student body.

B. Administrator Receiving Complaint

The complaint shall be filed with the campus dean or designee.

C. Investigation

The campus dean or designee shall initiate an immediate investigation, gathering signed statements and interviewing appropriate persons.

D. Authority to Require Students to Appear

The campus dean or designee may require any student to appear for an interview, or to give a written statement. Failure to assist the dean in this manner may subject the student to disciplinary action for obstruction of justice (failure to comply with the official and proper order of a duly designated college authority or agency). Further, a disciplinary hold may be placed on the class attendance, re-enrollment, or record of any student failing to comply with the campus dean's request for an interview or request for a written statement.

E. Action Upon Completion of Investigation; Written Charges

After completing the investigation the campus dean or designee may:

1. dismiss the complaint, or

2. determine that the complaint is supported by reliable evidence.

If the campus dean or designee determines that the complaint is supported by reliable evidence, the campus dean or designee may — in the dean's sole discretion —

- a. hear the matter;
- b. refer the matter to a disciplinary committee.

F. Charges; Elements of Due Process

The campus dean or designee shall provide a letter to the student, advising the student of the nature of the charges. To ensure that a student's rights to due process are preserved, the following essential legal elements will be made available to the student:

1. Published rules, regulations, and procedures in evidence (current *TCC Catalog* and/or *Student Handbook*);
2. Due written notice of the charge(s) of violating such rules and regulations;
3. A hearing or oral proceeding before an administrative representative or adjudicating body;
4. Information regarding witnesses who may give evidence to support the charge(s) and the opportunity to call witnesses in his/her own behalf;
5. Right to counsel of his/her own choosing;
6. Public hearing (but if disrupted, the hearing can be closed);
7. A written record of the hearing;
8. A prompt written decision;
9. Information regarding the appeal procedures which are available.

G. Dean's Adjudication; Penalties

If the campus dean or designee hears the matter, he or she may immediately adjudicate the matter based on witness statements, witness appearances, and the statements and appearances of the charging party and the student charged. Based on the evidence, the dean may dismiss the charges, or may, based on reliable evidence, invoke the following penalties:

1. Dismissal from the college;
2. Disciplinary suspension for a specified period of time;
3. Disciplinary probation which may or may not be recorded on the student's personal record;
4. Administrative reprimand or admonition;
5. Restitution for damages;

CHAPTER 10

Student Conduct

6. Withholding the transcript or degree;
7. Bar against readmission;
8. Suspension of eligibility for college activities;
9. Suspension from a specific class or campus activity, or the use of specific offices or services;
10. Work hours;
11. Such other penalty or penalties as may be mutually determined.

H. Appeals Procedure (Dean's Adjudication)

A decision of the campus dean or designee may be appealed to the provost. The appeal must be in writing and must be received by the provost's office within five days after the decision of the campus dean or designee. The provost will review the written record and reach a determination. The decision of the provost is final.

I. Disciplinary Committee

If the dean refers adjudication of the matter to a disciplinary committee, the dean will advise the campus provost in writing. The campus provost will, within 3 days of receipt of the dean's notice, appoint a disciplinary committee. The committee shall consist of one faculty member, one administrator, and one student. The dean shall serve as a *ex-officio* member of the committee and shall serve as the hearing examiner.

The disciplinary committee will conduct a careful and thorough review of all the facts concerning the alleged offense. On the basis of the review, the student may be absolved of the charge or found to have violated a specific college rule or regulation. Recommended disciplinary action, decided by a two-thirds vote of the committee membership, may involve all or any combination of the penalties set forth above.

The committee shall complete its work within 5 work days of appointment, and within 2 work days of completion of the hearing, shall provide a summary of witness statements, the facts, and the proposed penalty, if any, to the campus provost.

Upon receipt of the witness statements, fact summary, and proposed penalty (if any), the campus provost shall review such, and reach a determination. Final disciplinary action will be established by the campus provost, who shall promptly communicate this information to both the student and the campus dean or designee.

J. Appeals Procedure (Disciplinary Committee)

A decision of the provost pursuant to a Disciplinary Committee adjudication may be appealed to the college Vice President of Academic and Student Affairs. The appeal must be in writing and must be received by the college Vice President's office within five days after the provost's decision. The college Vice President will review the written record and reach a determination. The decision of the Vice President of Academic and Student Affairs is final.

K. Notice to Parents of Minors

The parent(s) or guardian(s) of any student under eighteen years of age who is dismissed, suspended, or placed on disciplinary probation or otherwise disciplined may be notified of the action taken. In the best professional judgment of the campus dean, the parent, guardian, or spouse may be advised of disciplinary action, consistent with the Family Education Rights and Privacy Act (FERPA), and/or the parent, guardian, spouse, or other party may be advised that the student has refused to authorize the release of information relative to institutional discipline.