

APPENDIX A

Student Bill of Rights

Freedom of Association

Individual students may join whatever associations they deem desirable and are entitled to affiliate with any group or organization with which they qualify for membership. Organizational constitutions, charters, and bylaws must be nondiscriminatory with reference to the beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation of prospective members. Fraternities, sororities, and religious organizations shall not be considered discriminatory in terms of sex or religious affiliation, respectively.

A Free and Independent Press

The CTC recognizes the right of students to operate a free and independent press. The student press shall be free of undue censorship and its editors and managers shall be protected from arbitrary suspension arising from student, faculty, administration, alumni, or community disapproval of editorial policy or content as long as its policy or content adheres to the canons of responsible journalism. The campus administration shall provide similar rights to any CTC radio station and television courses. Although the CTC itself is charged with ultimate responsibility for the nature and content of its official publications, the editor-in-chief of each campus publication shall bear primary responsibility and accountability for the particular publication's operation.

Right to Privacy

Blue Ridge Community and Technical College students are entitled to the same safeguards of their rights and freedoms of citizenship as are afforded their peers outside the academic community. The CTC recognizes its responsibilities to protect the interests of its students in preservation of privacy. Privacy rights exist under institutional policy, as well as under federal law, the Family Education Rights and Privacy Act (FERPA).

I. Student Records

All policies and practices concerning student records shall respect the privacy of the individual students. Records will be kept only on matters relevant to the educational process. Even these minimum records will not be disclosed except with the student's written consent or as otherwise stated in the following policies.

A. Maintenance of student's records:

1. Separate files will be maintained for academic records and supporting documents, such as, disciplinary, medical, financial aid, counseling and credential records, and other official personnel records.
2. The official student academic record, supporting documents, and other student files are confidential. They are to be maintained only by members of the CTC

staff. All persons who handle confidential records shall be instructed concerning the confidential nature of such information and their responsibilities regarding it.

3. Student academic records shall be limited to information about academic status. No disciplinary information will be recorded on these records.
4. The CTC reserves the right to withhold academic records of students who are financially indebted to the institution.

5. Disciplinary Files: All disciplinary records except for record involving suspension and expulsion will be kept by the Enrollment Management for no more than three years from the date of the sanction. Students in good behavior may request removal of disciplinary files after two years. This request must be made in writing to the Director of Enrollment Management.

B. All students will be permitted to examine their own academic records and supporting documents, records of disciplinary proceedings, and other official personnel records. If students obtain a copy of any of these records, the CTC may charge a nominal fee for this service.

1. Medical, financial aid, counseling, and credential records contain information that will be available to students, as explained below:

- a) Records created or maintained by a physician, psychiatrist, psychologist, counselor, or other paraprofessional are normally available only to persons providing such help or treatment. Students are permitted, however, to designate a qualified third party to review such records on their behalf for accuracy. A qualified third party would be a competent professional in the area of concern. Nothing in this request will alter confidentiality of information otherwise protected by law.
- b) Students will not have opportunity to examine the financial resources of their parents without parental consent in writing.
- c) Former students will not have the right to see confidential letters and statements of recommendations placed in their educational records before January 1, 1975.

Students will be permitted to waive their rights of access to confidential recommendations in these three areas: admissions, credential files, and receipt of

awards. In these cases, students will be made aware of the names of persons

making confidential recommendations on their behalf. Letters or statements of

recommendations will be used only for their intended purposes.

- d) Other than the expectations listed above, students may have access to information

in their admissions, financial aid, and job placement records.

- e) The Office of Enrollment Management, and its designees, is charged with the exclusive responsibility for

releasing official grade reports, transcripts, and grade point averages.

Students

who want documentation of this information for themselves or for transmission to third parties must obtain the documentation from the Enrollment Management Office.

2. Former students will have the same rights of access to their records as currently enrolled students. Applicants to the CTC who are not admitted will not have these rights.

C. Students have a right to prior written consent for the release of personally identifiable information from the student's records to individuals other than the student referred to in the records, but prior consent is not required in the instances outlined below:

1. Employees or agents of Blue Ridge Community and Technical College, including but not limited to faculty and staff, who need access to the record in order to fulfill a CTC-related responsibility;
2. Parents/guardians of dependent students, as defined for income tax purposes, in which case the CTC may but is not required to make non-consensual disclosures;
3. Parents/guardians, in instances of alcohol and drug infractions by the student;
4. When records are subpoenaed under a lawful court order;
5. The following directory information about individual students may be released or made public unless a student makes a written request to withhold such information: name, address, e-mail address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletics teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended. All students who do not wish the release of the directory information should file a written statement to that effect in the Office of Enrollment Management; and
6. All other instances in which FERPA does not mandate prior written consent.

D. Students have the right to challenge or contest any part of their education record, which they believe contains inaccurate or misleading information.

1. Students should try to resolve the inaccuracy or the need to eliminate misleading information with the faculty or staff member responsible for the entry of the information on their record.
2. If resolution cannot be achieved in the above manner, a challenge to the accuracy of academic records should be submitted in writing to the Admissions and Credits Committee, stating the nature of the complaint and the evidence, which seeks to prove that the entry is in error. This committee has the power to uphold or change any entry on students' records, which is challenged.

II. Confidential Communication

The matter of confidential communication frequently presents a problem between student and professor or administrator. When the problem under discussion could lead to administrative action, the student should seek an understanding regarding confidentiality before the counseling session.

Student Code of Conduct

The CTC does not tolerate violations of any of the following policies. Should investigations of violations of these policies and regulations warrant a hearing, violations will be processed, through the CTC Judicial System, in the following manner:

Class I offenses: May be heard by the Campus Judicial Board for any offense. This class of offense could carry a suspension or expulsion penalty.

Class II offenses: May be handled by a judicial officer in the Student Affairs Office or an administrator in the Residence Life Office. An accumulation of Class II offenses may result in a hearing before the Campus Judicial Board with suspension or expulsion as a possible sanction.

Blue Ridge Community and Technical College faculty and staff participate on the Campus Judicial Board when dealing with CTC students or facility issues.

I. General Requirements (Class I or Class II Offense):

All students are subject to and are required to comply with the following:

- A. Laws of the United States.
- B. Laws of the State of West Virginia.
- C. Town and county ordinances.
- D. Policies, rules, and regulations of the CTC and its governing boards.
- E. While on campus, students are required to carry a CTC ID card at all times.

II. Disruptive and disorderly conduct, which endangers the safety or well being of others, is prohibited. (Class I or Class II Offenses)

A. Harassment, verbal abuse, physical abuse, intimidation, or any other conduct (including the use of any form of media) which threatens or endangers the health or safety or educational opportunity of another person on campus.

B. Disorderly conduct or disturbing the peace on CTC property or at functions sponsored by the CTC; actions which disrupt or interfere with the instructional program or threaten the orderliness, operation, or well being of the campus.

C. Hazing by individuals or organizations. Hazing is defined as imposing demeaning or dangerous activities on any person including members and prospective members of campus organizations. Prohibited activities include:

1. Subjecting an individual to cruel horseplay.
2. Harassing or punishing an individual by the imposition of excessively heavy or disagreeable tasks.
3. To frighten, scold, beat, or annoy by playing abusive tricks upon an individual.
4. Hazing is further defined as individual or group behavior, which results in:
 - a. Disorderly conduct.
 - b. Physical or mental harm or shock to an individual.
 - c. Forcing an individual to act against his/her will.
 - d. Interference with academic work.
 - e. Interference with the liberty and comfort of others, either with or without their consent.

D. Storage or use of firearms, firecrackers, explosives, blank pistols, air rifles, air pistols, archery equipment, swords, knives with blades in excess of four inches in

length, or any other item that may constitute a weapon on campus, except as required for an academic class.

E. Placing a false bomb threat or fire alarm; unauthorized use, tampering, or discharge of fire extinguishers.

III. Sexual Assault is prohibited. (Class I Offense)

A. Sexual assault is defined as sexual intercourse, sexual intrusion, or any form of sexual touching with another person without the consent of that person. Incapacity of the victim does not constitute consent on the part of the victim. A person is determined incapable of consent when such person is less than sixteen years old; or mentally defective; or mentally incapacitated; or physically helpless. Mentally defective means that the person suffers from a mental disease or defect, which renders such person incapable of appraising the nature of his or her conduct. Mentally incapacitated means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to such person without his or her consent or as a result of any other act committed upon such without his or her consent. Physically helpless means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act. (West Virginia State Law)

B. It is the position of the CTC that a sexual assault also occurs against the victim who willingly takes a controlled or intoxicating substance if the sexual contact occurs after the victim becomes temporarily incapable of appraising or controlling his or her conduct as a result of the controlled or intoxicating substance.

C. A student charged with sexual assault can be prosecuted under West Virginia law AND disciplined in accordance with CTC policies and regulations. A student found guilty of sexual assault through the campus judicial system may be subject to suspension or expulsion.

IV. Sexual Harassment is prohibited. (Class I Offense)

It is the policy of Blue Ridge Community Technical College to maintain a learning and living environment free from all forms of sexual harassment of any student, employee, or applicant for employment or admission.

A. Sexual harassment is a violation of Federal Law Section 703, Title VII, Civil Rights Act of 1964 and the West Virginia Human Rights Act.

B. Sexual harassment is defined as:

1. Unwanted sexual advances.
2. Unwelcome requests for sexual favors.
3. Other behavior of a sexual nature where:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a CTC sponsored educational program or activity.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or

of creating an intimidating, hostile, or offensive educational or working environment.

C. Students who believe they have been the target of sexual harassment may lodge formal complaints with the Assistant Dean of Students (Judicial Affairs Coordinator) or the Dean of Students if the perpetrator is a student or group of students. If the perpetrator is a faculty/staff member, students may lodge formal complaints with the Director of Human Resources or the President's designated Ombudsperson. Lodging a formal complaint will result in a thorough and timely investigation of the reported incident; the CTC will hold individuals found responsible for sexual harassment appropriately accountable. Support, advocacy and/or

assistance with lodging a formal complaint may be obtained from any members of the Sexual Harassment Policy Team; complaints may also be lodged informally with or resolved through mediation by any member of this Team. An updated list of Team members may be obtained from the Enrollment Management Office, the Academic Affairs Office or from the President's Office. A student who does not feel that an informal complaint has been satisfactorily resolved or mediated may then elect to lodge a formal complaint through the designated channels.

V. Discrimination is prohibited. (Class I Offense)

A. Promoting or demanding any action on the part of a member of the campus community that would constitute unlawful discrimination on the basis of their beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation. Any individuals who feel that they are a victim of discrimination should file a complaint with the Affirmative Action Officer of the CTC.

B. Engaging in hate crime activities that demean, ridicule, and/or endanger other members of the campus.

VI. Damage, theft, unauthorized use of CTC property is prohibited. (Class I Offenses)

A. Unauthorized entry into CTC facilities. This includes being in a building after the building is officially closed or entering an area of a building that is locked.

B. Unauthorized use, possession, or duplication of CTC keys including use of residence hall keys when residence halls are officially closed for holidays and semester breaks. All residence hall keys are to be returned to residence hall staff at the end of the school year.

C. Damage or impairment of CTC property or of another person's property.

D. Theft or attempted theft of CTC property or another person's property including unauthorized use of property.

VII. Misrepresentation is prohibited. (Class I Offenses)

A. Submitting false or misleading information on applications, registration forms residence hall forms, or other CTC records. This includes failing to update change of address on registration forms during class registration periods.

B. Submitting false or misleading information to campus police or to other staff or faculty members when they are acting in an official capacity.

C. Dishonesty on class work, examinations, or other academic work.

1. Generally academic charges are processed by the academic administration.
 2. These cases are processed by the judicial system only at the request of the President of CTC or designated Program Coordinators.
- D. Submitting false, incomplete, or misleading testimony at a judicial board hearing.

VIII. Failure to Comply is prohibited. (Class I or Class II Offense)

- A. Failure or refusal to respond to a summons to testify at a judicial board hearing.
- B. Violations of disciplinary probation or other restrictions imposed in previous judicial board or administrative actions.
- C. Failure or refusal to comply with directions and orders of the officers, faculty, staff, and resident assistants of the CTC who are charged with the administration of institutional affairs. This includes showing, on request, a valid ID to any of the aforementioned staff members. Failure to pick up a written disciplinary decision by the designated deadline and at the place designated by a judicial board or administrator.

IX. Computer Misuse is prohibited. (Class I Offense)

A student who is found guilty of any of the following acts involving misuse of CTC computer resources shall be subject to the maximum sanction of expulsion or any lesser sanction authorized by and/or its governing board as specified in the CTC Student Handbook and/or other institutional or governing board policy documents, including but not limited to potential restrictions as to further use of institutional computing resources. Information Services reserves the right to perform the initial investigation of the computer misuse:

- A. Intentionally compromising the privacy of computer files or attempting to breach the security of any computer system to which the individual has not been authorized to access;
- B. Violations of law, including but not limited to copyright or other intellectual property law, obscenity law, defamation law, etc.;
- C. Violations of software licensing agreements;
- D. Harassing or threatening other users (e.g. sending abusive, voluminous, obscene or unwanted messages or files, loud/disruptive conduct in or near computer labs or the library computer resources, etc.);
- E. Using CTC computing resources for personal profit;
- F. Use of the CTC's computing resources in the furtherance of any act listed as prohibited in the Student Code of Conduct;
- G. Disruption, destruction, defacement, damages to, unauthorized possession or use of, or other abuses of CTC-owned or controlled computing facilities, property, equipment, or resources.

X. Fraudulent Telecommunications Use (Class I Offense)

It is unlawful to obtain or attempt to obtain telecommunications services by a false, fictitious or counterfeit number. It is unlawful to charge telephone calls to the telephone number or credit number of another person or the CTC without valid authority. Avoiding or attempting to avoid payment for telecommunications services by use of any fraudulent

or legally prohibited scheme, device, means or method. Criminal prosecution and/or disciplinary action may be taken.

Other carriers offer special promotional rates not honored by the CTC. Students are not permitted to establish long distance or calling card service of any kind that is charged to a student room telephone number or to the CTC.

XI. CTC Alcohol Policy

The CTC supports students and employees in demonstrating responsible conduct in the best interest of their personal health and well being, the community's general welfare, and the rights of others. Persons are responsible for their own behavior and must understand that being under the influence of alcohol in no way lessens their accountability; moreover, students are responsible and will be held accountable for the behavior of their guests. The CTC campus is subject to state and federal laws concerning use and possession of alcohol. Individuals must be aware of and abide by these laws. At no time should alcohol become the primary focus of an event. No student under the legal drinking age may possess or consume beer, wine, or any other alcoholic beverages. Please note that signs or symptoms that might reasonably indicate use of or intoxication by alcohol, or the presence of alcohol beverage containers, may be construed as proximate indicators of alcohol possession or consumption. (Class II, First Offense; Class I, Subsequent Offenses) Sale of beer on campus by any vendor except as expressly authorized is prohibited. (Class I Offense)

A NOTE ABOUT ENFORCEMENT:

1. Students who are first or second time violators of the Alcohol Policy will be required to attend an alcohol education session(s) conducted by a Enrollment Management staff member.
2. Students who repeatedly violate the Alcohol Policy or whose behavior could have serious consequences may be required, at their own expense, to attend an alcohol education program conducted by an outside counselor or agency.
3. See Organizational Code of Conduct for Group policies.

XII. Blue Ridge Community and Technical College Drug Policy

Illegal use, possession, manufacture, cultivation, conveyance, purchase, sale or distribution of marijuana, narcotics, controlled substances, or other illegal drugs in any amount is prohibited. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.

A NOTE ABOUT ENFORCEMENT: The CTC holds a strict zero-tolerance policy for illegal drug use and possession. Specifically, students who are convicted or found responsible for use, possession, manufacture, cultivation, conveyance, purchase, sale, or distribution of illegal drugs will be administratively withdrawn, suspended, or expelled from the CTC with no refund of tuition or room and board fees. Please note that signs and symptoms which might reasonably indicate use of or intoxication by an illicit substance, or the presence of drug-related paraphernalia, may be construed as proximate indicators

of illegal drug use or possession and therefore may be used as the basis for pursuing disciplinary action.

Please be aware that students convicted of drug offenses may also be barred from receiving federal financial aid for one year and/or permanently under federal financial aid regulations.

Campus Judicial Board

I. Introduction

Blue Ridge Community and Technical College is committed to order and due process. To accomplish this the CTC has established a Judicial System, which is administered by a Judicial Coordinator. The Campus Judicial Board conducts due process hearings. Blue Ridge Community and Technical College faculty and administrators participate on the Campus Judicial Board..

II. The Campus Judicial Board

- A. The Board consists of two students, two faculty, and a faculty presiding officer.
- B. The Judicial Board hears all cases requiring judicial review. The Board may convene as needed or on a weekly schedule.
- C. Sanctions assessed by this Board may include suspension or expulsion from the CTC.
- D. The Judicial Coordinator presents evidence to this Board.
- E. If a student is found responsible for violating a regulation, it will be based on the “preponderance of evidence” submitted rather than “responsible without a doubt” as used in civil proceedings.

III. The Judicial Coordinator

The Judicial Coordinator is an administrator designated by the Director of Enrollment Management with the responsibility for the overall administration of judicial process at Blue Ridge Technical and Community College.

IV. Rights of the Accused Student

- A. The accused student in any case has the right:
 - 1. To be presumed not responsible (innocent).
 - 2. To face all witnesses in the hearing
 - 3. To question any witness at the conclusion of his or her testimony.
 - 4. To bring witnesses to the hearing.
 - 5. To seek counsel from any member of the campus community or legal counsel.
 - 6. To appeal for cause.
- B. Pending the outcome of initial charges or results of an appeal, the student will not have his or her student status altered, except for reasons relating to the safety and well-being of students, faculty, staff and CTC property.
- C. If, in the judgment of the Judicial Coordinator, there is probable cause to believe that the continued presence of the accused on campus might constitute an unreasonable risk to campus personnel, students, or property, the Judicial Coordinator will, on the next regular class day, convene a special committee consisting of three individuals appointed by the

Judicial Coordinator to review the evidence to determine whether a temporary suspension or restriction is warranted. The student will be given an opportunity to address the committee. The committee has the authority to suspend or restrict the student from campus until the student has a campus Judicial Board hearing and the results of that hearing are announced to the student.

V. Judicial Process Flow Chart

A. After a violation of a campus policy is alleged, a written incident report is submitted to the Judicial Coordinator.

B. The Judicial Coordinator meets with the accused student and reviews possible charges with the student. The student may request a hearing, or in incidents where guilt is not contested, take an administrative sanction.

C. If a hearing is needed, the Judicial Coordinator sets the date and notifies the student of the charges five days prior to the hearing.

D. Prior to the hearing (at least 48 hours prior), the student needs to notify the Judicial Coordinator if he or she plans to have legal counsel present at the hearing.

E. The Judicial Coordinator will call three faculty or staff (one of whom will be chair) and two students from the Campus Judicial Board pool to serve as members of the Campus Judicial Board. Additional members will also be called to serve as backups.

F. At the hearing the members convene and meet the accused student. Board members who think that prior knowledge of the student or the incident would keep them from being impartial are excused and a substitute board member takes his or her place. Once the board is convened, the chair swears in the board.

G. The Judicial Coordinator reads the charges and presents the case.

H. Witnesses are called and asked to give statements. The accused student has the opportunity to question witnesses.

I. The accused student may present his or her case and call witnesses if desired.

J. After all testimony is introduced the chair will excuse all parties except the board members from the room.

K. Campus Judicial Board reviews the evidence and decides whether the student is responsible for the violation.

L. The Judicial Board informs the student of its decision. If the student is not responsible, the student is excused.

M. If the student is found responsible, the board will hear in the presence of the student any prior disciplinary record. The student will have the opportunity to raise questions regarding the previous disciplinary record and offer an explanation if desired.

N. The chair will schedule a date and time for the student to receive sanctions.

O. The board will determine the appropriate sanction for the chair to communicate to the student.

VI. How the Judicial Process Works

A. A written violation of policy may be received from Residence Life personnel, faculty, students, and other administrative units, or any member of the campus community.

B. Upon reviewing the incident reports, the Judicial Coordinator:

1. Reviews and investigates the incident.

2. As part of the investigation the Judicial Coordinator meets with the accused student/s to discuss the incident.
3. Determines the charges (when warranted) to be filed against the accused student/s.
4. In cases where the student admits to the charges or does not wish to contest the case, he/she may elect to waive a hearing and take an administrative sanction from the Coordinator and/or the Director of Enrollment Management after conferring with CTC administrators.
5. Assigns cases to the Campus Judicial Board or administrator as appropriate.

C. Hearing Procedures

1. Cases are investigated by the Judicial Coordinator, who will interview the defendant and all relevant witnesses.
2. If the evidence warrants a hearing, the Judicial Coordinator will notify the student of the date, time, and place of the hearing in writing. The notice will be delivered by a member of the Enrollment Management staff, or mailed to the student's off-campus address.
3. Notice of hearings must contain the charges, including pertinent policy sections and a brief description of the incident.
4. Five days' notice must be given prior to the hearing date.
5. Failure of the accused student to appear on the hearing date after proper notification is not grounds to postpone a hearing and the hearing will continue.
6. In cases identified as having the potential for suspension or expulsion, the student will be informed of the right to have legal counsel present at the hearing. (In such cases, students retain legal counsel at their own expense and must notify the Judicial Coordinator at least two days prior to the hearing of their intent to have an attorney present at the hearing.) An advisor, whether it is legal counsel or a member of the campus community, may consult and advise the accused student, but may not speak on behalf of the student or otherwise participate directly in the proceedings. When the accused student retains an attorney, the CTC may also elect to use legal counsel in an advisory capacity.
7. If a student is a victim of an offense for which the accused student goes to a hearing, the victim may be present throughout the hearing and may have an advisor or legal representative in the same manner as the accused student in the hearing.
8. A taped transcript will be taken at all Campus Judicial Board hearings.
9. If the accused student is found guilty and the sanction includes public service, the case is forwarded to the Judicial Coordinator who administers the public service assessed by the Judicial Board.
10. Written sanctions, issued by the Campus Judicial Board, will be formulated and delivered by the Campus Judicial Board Chair to Enrollment Management Office.
11. The accused student will pick up the written results of the hearing at the Enrollment Management at a time prescribed by the Court.
12. The Judicial Coordinator maintains a file of all cases heard by the Campus Judicial Board.

VII. Disciplinary Sanctions

The sanctions listed below shall be imposed upon students when the circumstances clearly indicate that a campus regulation has been violated. The sanction for a violation may be one or a combination of those set forth below:

- A. Admonition: an oral statement to the student offender that he/she has violated CTC rules.
- B. Warning: written notice to the student that continued or repeated violation of CTC regulations will be cause for more serious disciplinary action.
- C. Restitution: reimbursement for damage to or misappropriation of property.
- D. Restriction: limited freedom to move about, to use campus facilities, and/or to participate in campus activities.
- E. Disciplinary Probation: period of time during which full compliance with policies, rules, and regulations is required. Noncompliance would make the student on probation subject to immediate suspension or expulsion. Disciplinary probation may also include certain restrictions when so stated in the decision of the hearing body.
- F. Suspension: restriction from campus, exclusion from class attendance and other privileges or activities as set forth in the notice of suspension for a stated period of time. The conditions of readmission, if applicable, will be stated in the order of suspension. This sanction may effect enrollment eligibility at other state colleges and universities in West Virginia. During a period of suspension, no credits earned at another institution will be accepted at CTC.
- G. Expulsion: complete termination of student status for an indefinite period of time. The conditions of readmission, if applicable, will be stated in the order of expulsion. This sanction may effect enrollment eligibility at other state colleges in West Virginia. During a period of expulsion, no credits earned at another institution will be accepted at CTC.
- H. Organizational sanctions may include, but are not limited to: denial of the use of institutional facilities, institutional recognition, and/or a recommendation to regional or national headquarters that the organizational charter be revoked.
- I. In cases where the penalties listed above are inappropriate, a penalty especially suited to the offense may be imposed.

VIII. Appeals

- A. An accused student may appeal a decision of the Campus Judicial Board on the following grounds:
 - 1. The hearing was not conducted in a fair (impartial) manner.
 - 2. New evidence became available after the hearing.
- B. To effect an appeal, the defendant must notify the Director of Enrollment Management, in writing, within three working days after the receipt of the sanction letter.
- C. Should the Director of Enrollment Management determine there are appropriate grounds for appeal, after conferring with Blue Ridge Community Technical College administration; the Director of Enrollment Management shall render an appellate decision which shall be final except in case of suspension or expulsion.
- D. The decision of the Director of Enrollment Management may take one of the following

forms:

1. Affirm the original verdict.
2. Reverse the decision of the original board based on the appeal grounds.
3. Void the decision of the original board and order a new hearing.

E. In the case of suspension or expulsion the student may appeal the decision of the Director of Enrollment Management to the President of Blue Ridge Community Technical College. This must be done in writing, within three working days of the decision. The President's decision is final except in the case of expulsion.

F. In the case of expulsion a student may appeal the President's decision to the appropriate governing board. A written petition of appeal must be filed with the appropriate governing board within fifteen days of the President's decision.

G. Sanctions imposed by the Judicial Process are suspended during the time in which a matter is on appeal. Should the appeal fail, all work completed during the time of appeal is forfeited and the sanction begins at once. If it is too late in the semester to impose the sanction, it applies to the next regular semester. In any event a student may not graduate during the process of appeal.

The Judicial System and Student Groups

I. Introduction

Blue Ridge Community Technical College is committed to order and due process. To accomplish this the CTC has established a Judicial System, which is administered by a Judicial Coordinator. The Campus Judicial Board conducts due process hearings. Blue Ridge Community Technical College faculty and administrators participate on the Campus Judicial Board when dealing with Blue Ridge Community Technical College students or facility issues.

II. The Campus Judicial Board

A. The Board consists of two students, two faculty and/or staff, and a faculty or staff presiding officer.

B. The Judicial Board hears all cases requiring judicial review. The Board may convene as needed or on a weekly schedule.

C. Sanctions assessed by this Board may include, among other things, denial of institutional recognition for organizations, denial of the use of institutional facilities for organizations, restrictions on social activities, recruitment, and any other kind of proceeding, formal or informal, mandatory education, reparations, and recommendations to regional or national headquarters that organizational charters be revoked.

D. The Judicial Coordinator presents evidence to this Board.

III. The Judicial Coordinator

The Judicial Coordinator is an administrator designated by the Director of Enrollment Management with the responsibility for the overall administration of judicial process at Blue Ridge Community and Technical College.

IV. How the Judicial Process Works

A. A written violation of policy may be received Enrollment Management professionals or student staff, from faculty, students, and other administrative units, or from any member of the campus community.

B. Upon reviewing the incident reports, the Judicial Coordinator:

1. Reviews and investigates the incident.
2. As part of the investigation the Judicial Coordinator meets with the officers and/or members of accused club or organization to discuss the incident.
3. Determines the charges (when warranted) to be filed against the club or organization.
4. In cases where a majority of the officers or the president of the club or organization admits to or does not contest the charges, he/she/they may elect to waive a hearing and take an organizational administrative sanction from the Coordinator and/or from the Director of Enrollment Management. In cases wheretwo, three, or more other officers oppose in writing the president's position, the case will go before a hearing board. In such a situation, the officers have 24 hours after the charges are delivered to present their written, signed letter of opposition (to the president's position) to the Judicial Coordinator.
5. Assigns cases to the Campus Judicial Board or administrator as appropriate.

C. Hearing Procedures

1. Cases are investigated by the Judicial Coordinator, who will interview members of the accused group relevant to the investigation and all relevant witnesses.
2. If the evidence warrants a hearing, the Judicial Coordinator will notify the officers and members who need to be present of the date, time, and place of the hearing in writing. The notice will be delivered by a member of the Enrollment Management Staff, or mailed to the students' off-campus address.
3. Notice of hearings must contain the charges, including pertinent policy sections and a brief description of the incident.
4. Five days' notice must be given prior to the hearing date.
5. Failure of the officers and/or members to appear on the hearing date after proper notification is not grounds to postpone a hearing and the hearing will continue.
6. In cases identified as having the potential for denial of institutional recognition, the officers will be informed of the right to have legal counsel present at the hearing. (In such cases, the club or organization retains legal counsel at its own expense and must notify the Judicial Coordinator at least two days prior to the hearing of the intent to have an attorney present at the hearing.) An advisor, whether it is legal counsel or a member of the campus community, may consult and advise the officers and/or members of the organization, but may not speak on behalf of those students or otherwise participate directly in the proceedings. When

the organization retains an attorney, the CTC may also elect to use legal counsel in an advisory capacity.

7. If a student is a victim of an offense for which the organization goes to a hearing, the victim may be present throughout the hearing and may have an advisor or legal representative in the same manner as the club/organization in the hearing. The victim has the right to know the outcome of the hearing.

8. A taped transcript will be taken at all Campus Judicial Board hearings.

9. If the club or organization is found guilty and the sanction includes public service, the case is forwarded to the Judicial Coordinator who administers the public service assessed by the Judicial Board.

10. Written sanctions, issued by the Campus Judicial Board, will be formulated and delivered by the Campus Judicial Board Chair to the Enrollment Management Office.

11. The president or designated officer of the organization will pick up the written results of the hearing at the Enrollment Management Office at a time prescribed by the Court.

12. The Judicial Coordinator maintains a file of all cases heard by the Campus Judicial Board.

V. Appeals

A. A club/organization may appeal a decision of the Campus Judicial Board on the following grounds:

1. The hearing was not conducted in a fair (impartial) manner.
2. New evidence became available after the hearing.

B. To effect an appeal, the president or another officer, acting on behalf of the club or organization, must notify the Director of Enrollment Management, in writing, within three working days after the receipt of the sanction letter.

C. Should the Director of Enrollment Management, after conferring with Blue Ridge Community and Technical College administration, determine there are appropriate grounds for appeal, the Director of Enrollment Management shall render an appellate decision which shall be final except in cases where institutional recognition is withdrawn/denied.

D. The decision of the Director of Enrollment Management may take one of the following forms:

1. Affirm the original verdict.
2. Reverse the decision of the original board based on the appeal grounds.
3. Void the decision of the original board and order a new hearing.

E. In the case where institutional recognition is withdrawn/denied, the organization may appeal the decision of the Director of Enrollment Management to the President of Blue Ridge Community and Technical College

. This must be done in writing, within three working days of the decision. The President's decision is final.

Academic Freedom and Responsibility

I. Academic Rights and Responsibilities

A. All students, faculty, and staff are responsible for understanding and complying with the CTC's stated academic requirements.

1. Student grades are to be based solely on academic performance as measured by the standards set forth in the course syllabus.
2. Students should feel free to express their thoughts and opinions in an academic forum without fear of punishment or retribution.
3. Assignments must be completed by the student for who the work is assigned and in the absence of unauthorized aid of any kind.
4. Instructors shall encourage honest effort by exercising care in planning and supervising academic work.
5. A student who does not comply with the CTC's honesty standard may be subject to appropriate penalties imposed by the instructor, and even to academic probation, suspension or dismissal.
6. The policies regarding both academic standing and academic dishonesty are outlined in the CTC Catalog.

B. Students who choose to enroll at Blue Ridge Community and Technical College have the following academic rights:

1. The right of access to the CTC Catalog, which describes all academic program requirements including: required courses, total credit requirements, residence requirements, special program requirements, minimum grade point average requirements, probation standards, professional standards, and other pertinent information.
2. The right to a written syllabus containing the academic requirements of, and the instructor's expectations for the course.
 - a. Course syllabi will be distributed by instructors or record and should contain information on attendance policies, grading procedures, course information, along with any special requirements including field trips, extra costs, and other pertinent information.
 - b. Students have the right of appeal if they are discriminated against due to: race, color, national origin, age, gender, familial or associated status, disabilities, religion, or sexual orientation.

II. Academic Actions Imposed by Blue Ridge Community and Technical College

A. CTC will take appropriate academic action when a student fails to maintain the academic standards of the CTC or when there is evidence that a student has violated an academic policy. Students, in turn, have the right to appeal academic actions.

B. Examples of situations requiring academic action would include the following:

1. Infraction of institutional academic standards, rules, and regulations (required grade point averages, etc.) as stated in the CTC Catalog.
2. Final grade challenges.
3. Academic dishonesty (e.g., plagiarism, cheating, falsifying records, etc.)
4. Failure to meet the standards required to continue in a program of instruction, thus leading to dismissal from that program.

C. For failure to maintain academic standards, the CTC may impose the following

sanctions:

1. Instructor Imposed Sanctions: Sanctions such as the reduction of a grade, the failure of a course, or expulsion from a class, all of which are may be applied by an individual instructor. The maximum penalty a professor may impose is a course expulsion.
2. Academic Probation: Sanction imposed for failure to meet academic standards imposed according to criteria printed in the CTC Catalog.
3. Academic Suspension: Exclusion from all institutional activities for a definite stated period of time not to exceed one calendar year.
4. Academic Dismissal: Termination of student status from some or all programs, including any right or privilege to receive any benefit or recognition or certification.

III. Academic Actions Concerning Admissions and Credits

A. Institutional procedures for administering admission policies are detailed in the Blue Ridge Community and Technical College Catalog.

1. The Office of Enrollment Management shall be responsible for administering admissions policies in the CTC Catalog. Prospective students who wish to challenge or seek an exception to an admission's policy may petition the CTC Admissions & Credits Committee for an exception to the rules in particular cases.
2. The Office of Enrollment Management is responsible for administering the institutional academic standards as outlined in the CTC Catalog.
 - a. The Director of Enrollment Management or appropriate designee will notify a student who has deficiencies and thus fails to meet the minimum academic standards necessary for remaining in a given program.
 - b. Students wishing to challenge or seek an exception to a CTC policy may petition the CTC Admissions & Credits Committee for an exception to the rules in particular cases.
 - 1) All petitions shall include required signatures on the appropriate petition
 - 2) All petitions will include a written statement fully describing the reason that an exception to a policy is being requested.
 - 3) All petitions must be submitted in a timely manner relevant to the request being made.
3. Decisions of the CTC Admissions & Credits Committee may be appealed to the President of CTC whose decision is final.

IV. The Academic Appeal Committee

A. "The faculty pool" utilized in this process consists of faculty nominated by the CTC Curriculum & Instruction Committee.

B. At its last meeting of the academic year, the CTC Faculty Council shall confirm the Committee's nominees to serve in the following year, for a term from July 1 to June 30.

C. The faculty pool shall be selected annually.

D. Members of the committee will hear cases involving grade appeals, academic dishonesty, and program dismissals.

V. Student Grade Appeals

A. In any grade appeal, the student has the burden of proof in establishing that there is "good cause" for changing a final grade.

B. Unless the student can offer convincing arguments to the contrary, good faith on the instructor's part is presumed.

C. When supported by sufficient evidence, any of the following reasons shall constitute "good cause" for changing a final grade.

1. The grade was the result of discrimination
 - a) A successful appeal must demonstrate that a professor did not apply a consistent standard to all the students in the classroom.
 - b) The student making the appeal must show that the instructor did not apply the same grading standard to the student making the appeal that was applied to other students in the course.
2. The grade was awarded in an arbitrary or capricious manner.
3. The grade was the result of an error on the part of the professor in calculating, recording, or reporting a final grade.

D. None of the following shall constitute "good cause" for changing a final grade.

1. Disagreement with the course requirements established by the professor.
2. Disagreement with the grading standards established by the professor.
3. Disagreement with the instructor's judgment when applying grading standards assuming that the instructor has made a reasonable effort to be fair and consistent in exercising that judgment.
4. The desire or need for a particular grade.
5. Consequences that a student might face as the result of a grade award.

E. What constitutes standing in a grade appeal case?

1. In the grade appeal process, standing is defined as those parties who are directly linked to this action procedurally.
 - a. Those parties who have standing include: the instructor and the student desiring a grade change.
 - b. Those parties who do not have standing include: classmates, other instructors, other administrators, and family members
2. Parties with standing shall be allowed to present oral testimony to the appeals committee in the grade appeal process.
3. Relevant testimony from parties who do not have standing in the grade appeal process should be presented in the form of written statements that shall be made part of the official appeal file.
 - a. Committee members may invite other parties to be interviewed or to give testimony based on the written statements.
 - b. All written statements shall become part of the appeal file.

VI. Grade Appeal Procedures

A. Step I: Scheduling a Faculty-Student Conference.

1. A student wishing to appeal a grade shall first confer face-to-face with the instructor of record (hereafter referred to as instructor) who assigned that grade.

- a. The instructor-student conference shall take place within the first 10 class days of the regular semester immediately following the semester in which the disputed grade was assigned (summer sessions are not considered to be regular semesters).
 - b. At the request of the student or instructor, the Program Coordinator shall assign another division faculty member to witness the conference.
 - c. The reasons for questioning the grade shall be explained by the student, and the reasons for assigning the grade shall be explained by the instructor.
2. In a case where the instructor is not available for this conference (non-reappointment, retirement, death, extended absence from the area, or other debilitating circumstances), the instructor's Program Coordinator shall act as the instructor of record.
3. Outcome of the conference between instructor and student.
 - a. If the instructor finds that no grade change is justified, the student shall be so notified at the end of the conference.
 - b. If the instructor does decide to change the grade, the instructor shall complete a Change of Grade form and file it with the Director of Enrollment Management within five class days of the time that the conference occurs.

B. Step 2: The Student Appeals to the Program Coordinator

1. Following the instructor-student conference, a student receiving an unfavorable decision may file an appeal with the instructor's Program Coordinator.
 - a. The appeal to the Program Coordinator must be in writing and filed within five class days of the instructor-student conference, or within the first 15 class days of the semester that the grade is eligible for appeal.
 - b. If the student fails to contact the Program Coordinator within 15 class days of the beginning of the appropriate semester, the instructor's grade award shall be considered final.
2. The student's grade appeal to the Program Coordinator must be in the form of a written memo or letter.
 - a. The appeal memo or letter must be copied to the instructor.
 - b. The student's written statement must include justification that should conform to at least one of the criteria listed above for making a grade appeal.
 - c. The appeal must include all completed assignments that have been returned to the student.
3. The instructor shall submit a written justification for the assigned grade with supporting documentation that includes any assignments that have not been returned to the student.
4. In order to make an equitable decision, the Program Coordinator may hold a hearing between the instructor and the student desiring a grade change.
5. If the instructor is the Program Coordinator, the appeal will proceed directly to Step 3.

6. Within 10 class days of receiving the student's appeal, the Program Coordinator shall provide both the student and the instructor with a written notice of the decision.

a. The written notice should give the reasons for the decision and may be given to the parties directly or mailed by certified mail.

b. Following notification of the Program Coordinator's decision to all parties, the Program Coordinator shall forward the original grade appeal file to the Curriculum and Instruction Committee.

1) The file should include a copy of the decision and all written materials includes notes from oral investigations that were used for reaching the decision.

2) The Program Coordinator shall retain a copy of these files for five years.

7. Both the student and the instructor have the right to appeal the Program Coordinator decision to the Academic Appeal Committee.

C. Step 3: Appeal to the CTC Academic Appeal Committee.

1. The final step in the grade appeal process is the CTC Academic Appeal Committee. A student or an instructor may appeal the decision of a Program Coordinator to the CTC Grade Appeal Committee by filing a written statement to the Chair of the Curriculum & Instruction Committee within five days of receiving the Program Coordinator report.

2. Within five class days of receiving the written appeal, the Chair of the CTC Curriculum and Instruction Committee shall notify the Program Coordinator and the non-appealing party (instructor or student) that an appeal has been filed.

3. Within five class days of receiving an appeal, the Chair of the CTC Curriculum & Instruction Committee shall provide the student with a list of five CTC faculty chosen from "the faculty pool" as described previously.

a. The student shall be instructed to strike one name within three class days.

b. The Chair of the CTC Curriculum & Instruction Committee shall submit the four names to the instructor asking that the instructor strike one name within three class days.

4. The three remaining names shall constitute the CTC Academic Appeal Committee for the current grade appeal.

5. The Chair of the CTC Curriculum & Instruction Committee shall appoint one of these three faculty members as chair for this appeal process.

6. The CTC Grade Appeal Committee may consider all materials in the appeal file constructed by the Program Coordinator, i.e., the student's original appeal, the faculty member's written justification, , the Program Coordinator's written report, the student's written work for the course, and all other items the Program Coordinator may have used in reaching the decision. (In the event that the appeal relates to a Program Coordinator's grade, the CTC Academic Appeal Committee should compile the appeal file.)

- a. The student and the instructor shall each be entitled to submit additional written statements for consideration by the CTC Academic Appeal Committee.
 - b. The CTC Academic Appeal Committee shall hold a formal hearing including all parties having standing (see above), and should address the following:
 - 1) Questions from members of the Academic Appeal Committee
 - 2) Cross examination of witnesses by both parties
 - 3) Additional inquires that the Academic Appeal Committee feels are necessary or beneficial to determine a successful outcome.
7. The CTC Academic Appeal Committee shall reach a decision no later than the last day of regular classes before the final exam period of the semester in which the appeal has been filed.
- a. Within three days following the decision, the student, the instructor, the Program Coordinator and the Chair of the CTC Curriculum & Instruction Committee shall be given written notice of the Committee's decision
 - b. If the Academic Appeal Committee decides that a grade change is justified, and with the instructor's agreement, the instructor shall complete and submit a Change of Grade form to the Enrollment Management Office within five class (or business) days following the decision.
 - c. If the Academic Appeal Committee decides that a change in grade is warranted, but the instructor does not consent to the change, the Academic Appeal Committee will meet in discussion with the instructor with regard to its decision. If the instructor again will not consent to the grade change, the Academic Appeal Committee will instruct the Director of Enrollment Management to make the appropriate grade change.
8. A decision of the Academic Appeal Committee may be appealed to the President of CTC , whose decision will be regarded as final.

D. Unusual Circumstance in Processing Grade Appeals

- 1. Some grade appeal cases may present practical obstacles for pursuing the procedures precisely as outlined above
 - a. An instructor may be absent from campus during the applicable appeal period or the student may have an overwhelmingly compelling reason for a rapid decision.
 - b. Qualification for graduation may depend upon the outcome of a currently received grade.
- 2. In such circumstances, the Chair of the CTC Curriculum & Instruction Committee has the discretion to modify the procedures as little as possible, to accommodate the special requirements of the situation.
 - a. In exercising this discretion; however, the Chair of the CTC Curriculum & Instruction Committee should attempt to adhere to the spirit of the regular procedures.
 - b. The Chair of the CTC Curriculum & Instruction Committee shall commit to writing and distribute these exceptional rules to parties having standing.

VII. Academic Integrity Procedures

A. Academic dishonesty includes but is not limited to, cheating on examinations, falsifying records, submitting plagiarized work of any kind, or providing or receiving assistance in course work in a manner not authorized by the instructor.

B. Any student, administrator or faculty member may bring charges of academic dishonesty against a student.

1. A student charged with academic dishonesty shall be accorded the presumption of innocence.

2. The instructor should carefully evaluate the evidence of academic misconduct and the severity of the offense prior to imposing sanctions on a student.

a. The instructor of record should make a charge of academic dishonesty directly to the student involved and decide the sanctions to be imposed.

1) Instructor-imposed sanctions for academic dishonesty include: requiring work to be rewritten and resubmitted, lowering a grade, reducing the grade on the assignment, even to zero, advising the withdrawal of a student from a class, and assigning a student a failing grade for the course in which the academic dishonesty occurred.

2) For a case of academic dishonesty, an instructor may impose a penalty no greater than a failing course grade.

3) If an instructor believes that a student penalty greater than a failing course grade is warranted by a particular case of academic dishonesty the instructor should either:

a) Arrange a conference between the student, the Program Coordinator and the instructor, or

b) Submit a statement, in writing, to the Chair of the CTC Curriculum & Instruction Committee requesting a hearing to consider suspension or expulsion.

b. The instructor should inform the student, orally or in writing of the sanctions to be imposed, the reasons for those sanctions, the availability of the appeal process, and the need to file an appeal within five days.

1) If the student admits responsibility and accepts the instructor-imposed sanctions, the instructor should submit a written description of the offense and the sanctions to the Program Coordinator, the Director of Enrollment Management and the Chair of the CTC Curriculum & Instruction Committee.

2) If the charges are denied, the accused student has five class days to contact the instructor's Program Coordinator to request a conference.

3) If the student does not respond to the instructor's charges of academic dishonesty by contacting the Program Coordinator within five days, the instructor-imposed sanctions shall be imposed.

- c. When dealing with a case of academic dishonesty, the instructor may request a conference with the Program Coordinator, Program Director and the student charged with the offense.
 - d. A student who accepts a failing grade because of academic dishonesty shall not be permitted to withdraw from that course, even if the failing grade is given prior to that semester's official withdrawal deadline.
 - e. A student who receives a failing grade in a course as the result of a charge of academic dishonesty and chooses to appeal the grade shall not be allowed to withdraw from the course unless the appeal is resolved in the student's favor.
 - f. A student who is in the process of appealing a charge of academic dishonesty has the right to remain enrolled in the class in which the charge was made until the completion of the appeal process.
3. When brought by anyone other than the instructor of record, a charge of academic dishonesty involving a student or students in a specific course should be made to the instructor's Program Coordinator who may take one of two actions.
- a. The Program Coordinator may refer the matter to the course instructor for appropriate action following the procedures outlined above.
 - b. The Program Coordinator may contact the student and the instructor directly and initiate a conference (explained below).
4. A charge of academic dishonesty that does not involve a specific course (e.g., falsifying records, cheating on a standardized test) should be made to the Chair of the CTC Curriculum & Instruction Committee or any Program Coordinator who will refer the matter to the Chair.
5. A student who is guilty of more than one incident of academic dishonesty while matriculating at the CTC will be referred to the Chair of the C&I Committee who together with the Judicial Coordinator will decide upon further disciplinary sanctions.
6. Any individual making a charge of academic dishonesty has the responsibility to demonstrate that a preponderance of evidence indicates that a violation has occurred.

C. Charges of academic dishonesty in a specific course that cannot be resolved by the instructor and the student involved should be referred to the instructor's Program Coordinator. In situations where the instructor is the Program Coordinator, another Program Coordinator will be asked to participate in the process.

- 1. A Program Coordinator conference can be initiated by a request from either the student or the instructor involved, or by the Program Coordinator acting on a complaint from any member of the academic community.
 - a. The conference should take place in person within ten days of the Program Coordinator first receiving a request from either a student or an instructor to hold it.
 - b. This conference does not constitute a hearing on the student's responsibility for academic dishonesty.
- 2. The purpose of the Program Coordinator conference shall be to clarify judicial procedures and possible sanctions for both the student and the instructor and to coordinate further appeals.

- a. The Program Coordinator may review the evidence and recommend particular courses of action that are acceptable to both the student and the instructor.
 - b. The Program Coordinator may not overturn an instructor-imposed sanction without the instructor's consent.
 - c. The Program Coordinator conference cannot result in any penalties being imposed on a student beyond those previously described as "instructor-imposed sanctions."
 3. If, at the end of the conference, the student admits responsibility for the act of academic dishonesty and agrees to accept the sanctions proposed by the instructor, no further action will be taken.
 - a. The Program Coordinator should obtain a written statement from the student who agrees to the sanctions that will be imposed as a result of the conference.
 - b. The Program Coordinator shall forward copies of this written statement, along with a description of the offense and the instructor-imposed sanctions, to the Director of Enrollment Management and the Chair of the CTC Curriculum & Instruction Committee.
 4. If, at the end of the conference, the student denies responsibility for an act of academic dishonesty, the Program Coordinator shall contact the Chair of the CTC Curriculum & Instruction Committee to schedule a hearing by the Academic Appeals Committee.
 - a. The student may only appeal the charge of academic dishonesty itself and not the sanctions imposed for academic dishonesty once responsibility has been established.
 - b. A student who admits responsibility in a case of academic dishonesty but disagrees with the instructor-imposed sanctions cannot appeal under the Academic Integrity policies.
 - 1) A student must appeal a disagreement with an instructor-imposed sanction by following the grade appeal procedures.
 - 2) The student's initial meeting with the instructor shall count as the meeting with the instructor under the grade appeal policy.
 5. At the end of the conference if either the faculty member or the Program Coordinator deems that the case warrants further disciplinary procedures, the Program Coordinator shall contact the Chair of the CTC Curriculum & Instruction Committee to initiate judicial action.
 6. If the instructor involved in the academic dishonesty dispute is a Program Coordinator Chair, another Program Coordinator shall act in the capacity of the first Program Coordinator for the purposes of the conference.
- D. Academic dishonesty disputes that are not resolved by the conference with the Program Coordinator should be referred to the Chair of the CTC Curriculum & Instruction Committee.
1. Upon receiving a request for a hearing the Chair of the CTC Curriculum & Instruction Committee shall constitute a three-member hearing board from the pool of faculty members composing the Academic Appeal Committee following the

procedure outlined in Section IV Grade Appeal Procedure, Step 3.

2. One of the three members shall be elected to act as Chair of the proceedings. The Chair of the Academic Appeal Committee shall present to the student and to the person making the charge of academic dishonesty, written notification of the charges, including at least the following items:

- a. A written enumeration of the charges.
- b. A statement that a hearing will be held together with a notice of the date, time, and place of the hearing.
- c. A clear statement of the information, data, and evidence directly supporting the proffered charges.
- d. A statement advising the student of that student's rights, to include the following:
 - 1) The student has the right to the presumption of innocence until responsibility can be established through a preponderance of evidence.
 - 2) The student has the right to bring witnesses, to question the accuser, and to question any of the accuser's witnesses.
 - 3) The student has the right to bring an advisor to the proceedings to monitor due process.
 - a) The advisor may consult with the student but may not speak on behalf of the student.
 - b) The advisor may not otherwise participate directly in the proceedings unless given specific permission to do so by the Academic Appeal Committee.

3. The Academic Appeal Committee shall review all relevant evidence in the case to determine if the student is "responsible" or "not responsible" for the act of academic dishonesty.

- a. The Academic Appeal Committee shall interview the original instructor and the student against whom the charges have been brought.
- b. The Committee may seek additional information and may interview witnesses whose testimony is relevant to the charge of academic dishonesty.
- c. The student and the instructor have the right to bring witnesses and to question witnesses brought by the other party or by the Committee.
- d. All proceedings in the hearing must be recorded, and either party to the dispute may request a copy of the recording at their own expense.

4. Within ten days after the conclusion of the hearing, the Academic Appeal Committee shall send a written notice of its decision to both parties in the dispute, the Chair of the CTC Curriculum & Instruction Committee, and the appropriate Program Coordinator.

- a. If the Committee determines that the student is "responsible" for the act of academic dishonesty:
 - 1) The instructor-imposed sanctions shall be imposed.
 - 2) The Committee chair shall send written notification to the Director of Enrollment Management.

b. If the Committee determines that the student is “not responsible” , then the instructor shall be required to reevaluate the student’s work with the assumption

that it is not the result of an act of academic dishonesty.

- 1) An instructor who has awarded the student found “not responsible” a lowered or failing grade based on the charge of academic dishonesty shall be instructed to reevaluate the student’s final grade and, if necessary, submit a Grade-Change form.
- 2) A student found “not responsible” for an act of academic dishonesty shall be permitted to withdraw from the course in which the charge was made, even if the withdrawal deadline has passed or a final grade has been awarded.
- 3) The hearing may only rule on the factual questions of whether or not an act of academic dishonesty has occurred.
 - a) The Committee is not authorized to rule on the appropriateness of instructor-imposed sanctions once the student’s responsibility has been established.
 - b) The Committee is not authorized to impose any sanctions on the student beyond those initially imposed by the instructor.

Either the student or the faculty member may appeal the decision of the Academic Appeal Committee to the President of the CTC, whose decision shall be final.

VIII. Academic Progress within a Program

A. Several divisions at the CTC offer programs requiring a student to meet certain academic and professional standards in order to continue enrollment in the program.

B. When a point is reached in the programmatic study when a student might not qualify to continue in the program, the following procedures shall be followed.

1. The student shall be counseled about his or her lack of progress by one or more faculty members responsible for the program.
2. When it appears to one or more instructors that a student has failed to meet the standards for continuing in the program, that instructor or those instructors shall notify the Program Coordinator and a formal review of the student’s status shall be conducted by the division faculty, who shall determine whether the student may continue in the program.
 - a. If the division decides upon programmatic retention, the student shall be advised in writing of the necessary steps, if any, that will be required as a condition of retention.
 - b. If the division decides upon programmatic dismissal, the following procedures will be followed:
 - 1) The student will be informed of the division’s decision in writing.
 - 2) The student will be notified of the available procedures for appealing the decision.
 - 3) The student will be allowed to complete coursework begun before the programmatic dismissal but will not be permitted to enroll in any further

- courses in the program unless permitted to do so by a successful appeal.
- C. The student may appeal the decision for programmatic dismissal to the Chair of the CTC Curriculum & Instruction Committee.
1. The Chair of the CTC Curriculum will convene three members of the Academic Appeal Committee.
 2. The procedure will follow the same guidelines outlined in Step 3 of the Grade Appeal Procedures.

Attendance Policy

Students are expected to attend class and to know and understand the specific attendance policies established by their professors. The professor establishes the attendance policy for a given class. The professor will state the attendance policy in the course syllabus. Professors will make reasonable accommodations for occasional, unavoidable absences based on highly legitimate grounds. Professors will determine the most appropriate means of compensating for work unavoidably and legitimately missed in their classes. To be eligible for such substitute evaluation, students are responsible for discussing any absences with their professors: such discussions must occur in advance of foreseeable absences and as soon as possible following unpredictable ones.

Students are expected to plan their class, work, and personal schedules to avoid potential conflicts. Legitimate reasons for class absences include documented and/or instances of the following 1) death in the immediate family; 2) incapacitating illness or injury (not including any non-emergency doctors' appointments that could be scheduled at other times); 3) field trips required for other classes, intercollegiate competitions, or activities constituting official representation of the CTC; 4) hazardous, weather-induced driving conditions (for commuter students only).

A student's evaluation in a course is the professor's responsibility. The professor prior to the initiation of a grade appeal must make a grade decision in a course. A student who believes his or her grade has been adversely affected by a professor's inappropriate implementation of the attendance policy may pursue a grade appeal at the close of the semester.

Special Circumstances

A student who has a documented medical disability or chronic illness that may affect his/her ability to attend class regularly and/or to complete scheduled in-class, graded activities (e.g., exams, oral reports, lab assignments) should confer with his/her professors as soon as possible after the semester begins. In consultation with the student (and with doctors or staff when appropriate), the professor can develop a contingency plan to accommodate any absences that may occur because of the disability or illness: the professor may create alternative assignments or otherwise determine the best means of assuring that the student's semester grade will not suffer should the student have to miss classes as a direct result of his/her disability or medical condition. To the greatest extent consistent with the particular disability involved, a chronically ill or disabled student will not only be treated equally with other students, but will also be equally expected to adhere to course policies and assignments established for all students.

In rare instances a student may suffer an unanticipated medical problem or military service obligation requiring complete absence from school over an extended period (i.e., weeks rather than days). Such a situation will create the need to confer with professors as soon as is feasible-possibly through a relative or other responsible surrogate. A professor may be able to design alternative assignments that can be done independently. However, some courses by their nature do not lend themselves to compensation for prolonged periods of missed classes and assignments: for such classes, the alternatives may be limited to either a Withdrawal or an Incomplete specifically mandating that the student actually take some or all of the relevant course when it is next offered. In such circumstances, the CTC Admissions and Credits Committee will generally be agreeable to any necessary waivers regarding institutional deadlines regarding Withdrawals or Incompletes so long as 1) the student's petition clearly and fully explains the situation calling for the waiver, 2) appropriate documentation is presented, 3) the request is supported in writing by both the professor and the student's advisor, and 4) the student's request is made in a timely manner (i.e., as soon as possible given the circumstances and not substantially after the fact).