

parties involved, the recommendation and sanctions will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:

- a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
- b. Sanction, if appropriate.
- c. Monitoring of academic schedules or workplace schedule if needed.
- d. Short-term counseling services will be offered to each party.

2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Director of Human Resources recommends sanctions that s/he cannot impose (i.e., termination) the matter will automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:

- a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
- b. Written notice including the date, time, and location of the hearing will be sent to all parties.
- c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
- d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
- e. Both parties have a right to a written notice of the hearing outcome.

### C. Sanctioning.

The following sanctions may be imposed for those who have violated these Procedures.

#### 1. Students.

- a. Verbal or Written Warning
- b. Probation
- c. Administrative withdrawal from a course without refund
- d. Required Counseling
- e. No Contact Directive
- f. Suspension
- g. Expulsion (President must impose)
- h. Other consequences deemed appropriate

#### 2. Employees.

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion (President may impose)
- f. Suspend with or without Pay (President must impose)
- g. Termination (President must impose)
- h. Other consequences deemed appropriate to the specific violation

## STUDENT GRIEVANCE

### I. Grievance Process Overview

In order to maintain a harmonious and cooperative environment between and among the College and its students, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every student shall have the right to present his/her problems or grievances free from coercion, restraint, discrimination or reprisal. This Policy provides for prompt and orderly consideration and determination of student problems and grievances by College administrators and ultimately the President.

A grievance is any matter of student concern or dissatisfaction with the College's control except: (a) student discipline matters regarding academic and non-academic violations; (b) discrimination and unlawful harassment, including sexual harassment and sexual violence; (c) a grade appeal; or (d) any other matter that has a specific grievance process outlined in that policy or procedure.

### II. Grievance Process

#### A. Informal Grievance – Step One

In the event the alleged grievance lies with an instructor/staff member, the student must first go to that instructor/staff member and attempt to informally resolve the matter. Both the student and instructor/staff member must have an informal conference to discuss the situation and document the attempts taken to resolve the grievance at this level. In the event that the student is unsatisfied with the resolution reached at the informal conference, he/she may proceed to Step Two within five (5) business days after the informal conference. Not proceeding to Step Two within the time period will result in the grievance not being heard and the matter being closed. If the grievance concerns issues unrelated to a particular instructor/staff member (for example, an issue with College policy), the student can skip the informal process and proceed to Step Two.

#### B. Formal Grievance – Step Two

If the grievance is not resolved at Step One (or, given the nature of the grievance, Step Two begins the process) the student may file a written grievance with the Vice President for Instruction Services ("Vice President"). The written grievance must contain, with specificity, the facts supporting the grievance and the attempt, if applicable, to resolve the grievance at the information level.

The Vice President (or, depending on the nature of the grievance, another appropriate Vice President) shall review the written grievance and conduct whatever further investigation, if any, is necessary to determine any additional facts that are needed to resolve the grievance. The Vice President shall provide his/her written decision within ten (10) business days after receipt of the grievance.

In the event that the student is unsatisfied with the resolution reached by the Vice President, he/she may proceed to Step Three within

five (5) business days after receipt of the Vice President's written determination. Not proceeding to Step Three within the time period will result in the grievance not being heard and the matter being closed.

### C. Appeal – Step Three

If the student is not satisfied with the Vice President's determination, the student may appeal to the President. The appeal must be in writing, must provide a written summary of the specific facts and must contain any other documentation pertinent to the matter. The President will conduct an "on the record" review and conduct any further investigation that is necessary to ascertain the facts needed to make a determination. The President may, at his/her discretion, establish a committee to further investigate the matter and make a recommendation to the President.

At the conclusion of the investigation and not later than fifteen (15) business days after receipt of the student's appeal, the President shall provide a written decision to the student.

The President's decision is final.

## ACADEMIC FORGIVENESS POLICY

**FIVE-YEAR RULE POLICY:** A freshman or sophomore with a grade point average below 2.0 who has not attended a community college or university for five or more calendar years and who is eligible for readmission is given the option of having the five-year rule applied or not applied. If the five-year rule is applied, all quality points from courses completed before the interruption are removed from the GPA calculation. No hours of credit will be allowed for courses in which a C or less grades were earned, although, at the discretion of the student's academic advisor, they may be used to waive appropriate course requirements. The student's cumulative GPA will be based on courses attempted after readmission. The earned hours will include all credits: (1) transferred from other institutions, (2) completed with a grade of C (2.0) or higher before the five-year rule was applied, and (3) earned after the last five-year rule was applied.

If the five-year rule is not applied, the student will return with a cumulative GPA, credit hours and grades as if the interruption had not occurred. The quality point deficit of some students may be of such magnitude that the application for readmission from a student who has chosen not to apply the five-year rule may be rejected.

A student, having elected to have the five-year rule applied or not applied, may not reverse the option later. Applications for the five-year rule may be obtained from the Registrar's office and submitted to that office prior to the initial term of re-enrollment.

## ACADEMIC FREEDOM POLICY

Academic freedom for faculty and students is the freedom to ask questions, seek answers, examine all pertinent data, question assumptions and conclusions, and present those answers within the structure of a given course and its objectives or a given program and its outcomes. Academic freedom is ultimately the freedom to teach and to learn, protected from institutional censorship. Freedom always exists alongside responsibility, and academic freedom is no exception. This freedom carries with it the duties of intellectual honesty and sound judgment.

The College recognizes the necessity for freedom in legitimate academic decisions that foster an environment where faculty and students can freely inquire, study and evaluate in order to gain greater understanding. To that end, the College endeavors to give faculty members the freedom to conduct individual academic affairs in accordance with each person's best judgment.

## CAMPUS FREE SPEECH

The College is a limited public forum that does not regulate speech or activities based on content or viewpoint. All individuals using College Space must comply with the following Procedures. These Procedures only apply to the use of College Space and not to the use of facilities on campus.

### I. Definitions

**A. College Members** – students who are currently enrolled at the College and/or individuals currently employed by the College.

**B. College Space** – all outdoor areas on the College campus.

**C. College Use** – use of a College Space by the College for official College business and/or functions.

**D. Designated Area(s)** – The sidewalk area in front of the McSwain Building is the designated free speech area for the College. The President, or designee, is authorized to designate other areas on campus as Temporary Designated Areas when needed dependent on the location and size of a specific event or activity. Temporary Designated Areas are not permanent and will end after the specific event or activity.

**E. Non-College Members** – any individuals who are not currently enrolled at the College and/or are not currently employed by the College.

### II. Speech, Distribution of Material and Assembly for College Members

A. The College is committed to making the majority of its College Space available to College Members who wish to exercise their rights of speech, distribution of material and assembly. The College maintains the right to reserve any College Space at any time, with or without prior notice, for College Use and such use will take priority over any other use.