Disciplinary Procedures

In order to provide an orderly procedure for handling student disciplinary cases and to provide adequate, reliable, and impartial investigations and resolutions, the following procedures shall be followed:

1. Charges: Any administrative official, faculty, staff, or student may file charges with the Student Conduct Officer (Assistant Vice President for Student Affairs, or designee) against any student or student organization for violations of College regulations. The individual(s) making the charge are expected to provide complete and truthful information throughout the disciplinary process and should submit a code of conduct violation form or a written statement which includes:
   a. name of the student(s) involved;
   b. the specific code(s) of conduct violated;
   c. a description of the incident(s), including the time, place, and date of the incident(s); and
   d. name(s) of person(s) directly involved or witnesses to the incident(s); and
   e. any action taken that is related to the matter.

2. Preliminary Investigation and Decision: Within five (5) working days after the charge is filed, the Student Conduct Officer shall conduct a preliminary investigation of the charge which shall include a meeting with the accused student and other witnesses. In sexual offenses and harassment cases, both the accuser and the accused may have one support person present during these proceedings. Both parties must provide the name of the support person at least three days prior to the meeting. A support person may only serve as an observer and may not participate unless requested to do so by the person(s) designated to conduct the meeting.

   During the meeting with the Student Conduct Officer, the accused student shall be told the evidence against him/her and shall be given the opportunity to respond. In instances where the accused student cannot be reached to schedule an appointment with the Student Conduct Officer or where the accused student refuses to cooperate, the Student Conduct Officer shall send a certified letter to the student’s last known address which shall inform the student of the charges, the results of the preliminary investigation, the decision, and the appeals process. The Student Conduct Officer’s decision is based upon a preponderance of evidence.

3. Generally, the Student Conduct Officer shall send the accused student a decision by certified mail, return receipt requested, within ten (10) working days after the charge is filed. Decisions in sexual offenses and harassment cases will be made within 60 days.

4. If the Student Conduct Officer determines that the student has violated the Student Code, the decision shall include:
   a. a statement of the specific provision(s) of the Student Code that the student violated;
   b. a statement of sanctions imposed;
   c. a statement of the student’s right to appeal the decision; and
   d. instructions governing the appeals process (Appeals Procedure).

5. If the Student Conduct Officer determines that the student did not violate a provision of the Student Code of Conduct, then the decision shall state the charge has been dismissed.

6. In sexual offenses and harassment cases, both the accused student and the complainant will receive simultaneous written notice of the final outcome of the complaint as to whether harassment was found to have occurred.

7. The Student Conduct Officer shall send a copy of the statement of the charge and the decision to the College President/College President designee and other College officials on a need-to-know basis.
Sanctions

1. **Reprimand**: A written communication which gives official notice to the student that he/she has violated the Student Code and any subsequent violation of the Student Code may carry heavier penalties.

2. **General Probation**: An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: the individual is given a chance to show his/her capability and willingness to observe the Student Code of Conduct without further penalty; secondly, if he/she violates the Code again, additional sanctions will be imposed for this violation. This probation will be in effect for no more than two (2) semesters.

3. **Restrictive Probation**: Restrictive Probation results in the loss of good standing and notation of such is made in the individual's record. Restrictive conditions may limit activity in the College community. Generally the individual will not be eligible for initiation into any local or national organization and may not receive any College award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any Gaston College or student organization, publication, or activity. This probation will be in effect for no less than two (2) semesters. Any violation of Restrictive Probation may result in immediate suspension.

4. **Restitution**: Paying for the damage, misuse, destruction or loss of property belonging to the College, College personnel, or students. This may include activities aimed at learning the consequences of one's actions; for example: cleaning defaced property, writing reports, etc.

5. **Emergency or Interim Suspension**: Exclusion from class and/or other privileges or activities as set forth in the notice until a final decision has been made concerning the alleged violation (See Interim Actions/Restrictions section).

6. **Loss of Academic Credit or Grade**: Imposed as a result of academic dishonesty.

7. **Withholding transcript, grades, diploma or right to register**: Imposed when financial or other (e.g. disciplinary sanctions) obligations are not met.

8. **Suspension**: Exclusion from class(es), and/or all other privileges or activities of the College for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation, or for repeated misconduct. Students who receive this sanction must meet with the Student Conduct Officer to request re-enrollment at the end of the sanction period and get specific written permission before returning to campus. Students must be able to demonstrate that they have resolved the issues that led to their suspension, they are ready to be a productive member of the College community, and that they can refrain from violating the Student Code of Conduct. If the request to re-enroll is approved, students will be placed on probation for a specified time period upon their return to the College.

9. **Expulsion**: Permanent severance from the College.

10. **Group Probation**: Given to a College club or other organized group for a specified period of time. If group violations are repeated during the term of the sentence, the charter may be revoked or activities restricted.

11. **Group Restriction**: Removing College recognition during the semester in which the offense occurred or for a longer period (usually not more than one other semester). While under restriction the group may not seek or add members, hold or sponsor events in the College community, or engage in other activities as specified.

12. **Group Charter Revocation**: Removal of College recognition for a group, club, society, or other organization for a minimum of two years. Re-charter after that time must be approved by the President of Gaston College.
Appeals Procedure

1. A student who disagrees with the decision of the Student Conduct Officer may request a hearing. The student must deliver a written request for a hearing to the chairperson of the Gaston College Judiciary Committee within three (3) working days of receipt of the Student Conduct Officer’s decision. The student requesting a hearing will be provided a list of people in the Gaston College Judiciary Committee pool. The student must indicate if they object to any persons in the Judiciary Committee pool reviewing the charges against him or her and provide reasons for the objection within (5) working days of submitting the appeal hearing request.

The Judiciary Committee is composed of nine (9) members appointed by the President as described below. Committee members serve at the pleasure of the President with replacements appointed by the President as necessary.

a. Three faculty members recommended by the Faculty Senate and appointed by the President of the College.
b. Three staff members recommended by the Staff Senate and appointed by the President of the College.
c. Three student members recommended by the Student Government Association (SGA) and appointed by the President of the College/President of the College designee.
d. The chairperson of the Gaston College Judiciary Committee appointed by the President of Gaston College.

Within seven (7) working days after receiving the request for a hearing, the chairperson of the Gaston College Judiciary Committee shall appoint the Gaston College Disciplinary Committee to hear the appeal. Each Gaston College Disciplinary Committee shall be composed of one staff member, one student member, and one faculty member from the Gaston College Judiciary Committee. No person in the Judiciary Committee to whom the student has made a reasonable objection will be appointed. The Chairperson of the Judiciary Committee also serves as the Gaston College Disciplinary Committee Chair.

2. Within ten (10) working days after the appointment of the Gaston College Disciplinary Committee, it shall conduct a hearing to which the Student Conduct Officer and the student shall be invited.

a. The Student Conduct Officer shall provide the committee and the student with a written statement of charges against the student.
b. The committee shall provide the student with a statement of his/her basic procedural rights.
   1. The right to present relevant evidence and witnesses in his/her defense.
   2. The right to a hearing before an impartial Gaston College Disciplinary Committee.
   3. The right to know the name of the person(s) bringing the charge(s) against him/her.
   4. The right to hear the evidence against him/her and the right to question witnesses against him/her. Per the recommendation of the Office of Civil Rights, questioning of either party is not allowed in sexual offenses and harassment cases.
c. The Student Conduct Officer and the student shall exchange any documents they expect to present to the Gaston College Disciplinary Committee.
d. The Student Conduct Officer and the student shall exchange the names of their witnesses.
e. Members of the committee shall inform the parties of any facts, which could reasonably affect their ability to give them a fair hearing. If either party objects to the continued service of a member and any committee member supports that objection, then the identified person shall resign from the committee. Within three (3) working days, the chairperson of the Gaston
College Disciplinary Committee shall appoint a new member to the committee. The new committee member shall be subject to the same qualifications and obligations as the original committee members.

f. Hearings before the committee shall be confidential and shall be closed to all persons except the following:

1. The student
2. Student Conduct Officer
3. Witnesses who shall give testimony singularly and in the absence of other witnesses and leave the committee meeting room immediately upon completion of their testimony.
4. In sexual offenses and harassment cases, both the accuser and the accused may have one support person present during these proceedings. Both parties must provide the name of the support person at least three days prior to the hearing. A support person may only serve as an observer and may not participate unless requested to do so by the person(s) designated to conduct the hearing.

g. The hearing will be tape-recorded. Tapes will become the property of the College. All tapes will be filed in the office of the Vice President for Student Affairs and Enrollment Management. The committee shall have the authority to adopt supplementary rules of procedure consistent with this policy.

h. The committee shall have the authority to render written advisory opinions concerning the meaning and application of this policy.

i. Upon the completion of a hearing, the committee shall meet in executive session to decide whether there has been a violation of the Student Code and, if so, to recommend sanctions.

j. Decisions of the committee shall be based upon a preponderance of the evidence as determined by a majority of the committee.

k. The decision of the committee shall be in writing and contain at least a statement of the specific provision of the Student Code that the student violated and a description of the facts supporting that conclusion; and a statement of recommended sanction or a statement that the charges were not proved by a preponderance of the evidence.

l. Within five (5) working days of the decision of the committee, the chairperson of the committee shall send a copy of the decision by certified mail, return receipt requested, to the student's last known address. In sexual offenses and harassment cases, both the accuser and the accused will receive simultaneous written notice of the final outcome of the appeal.