

**TITLE: STUDENT CONDUCT**

**POLICY NO: 1-35**

**EFFECTIVE DATE: 08/15/90**

**VCCS POLICY NO: [2.9.D.7.I](#) and [6.5.0](#)**

**REVISED DATE: 07/07/15**

I. Purpose:

To promote a safe and healthy environment that is conducive to learning.

II. Definitions:

Assault: a verbal or physical attack on someone.

Battery: an unwanted striking or touching of someone.

Behavioral Intervention Team: team that provides assessment of and intervention with individuals whose behavior pose a threat to the safety of the campus community. (See *Code of Virginia, Section 23-9.2:10*, or [Reynolds Policy No. 1-22](#), Behavioral Intervention, for greater definition of the role and scope of the team.)

Campus: one of the three (3) campuses of the college (Parham Road Campus, Downtown Campus, or Goochland Campus) as well as other college-leased or owned facilities.

College: J. Sargeant Reynolds Community College (Reynolds).

Distribution: any form of sale, exchange, or transfer.

Fighting words: personally abusive epithets which, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provoke a violent reaction whether or not they actually do so. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics. "Fighting words" create a hostile and intimidating environment which the student uttering them should reasonably know will interfere with the victim's ability to pursue effectively his or her education or otherwise to participate fully in college programs and activities.

Harassment: the continual irritating or tormenting of someone.

Preponderance of evidence: the standard of judgment that indicates that the weight of the evidence is sufficient to convince the fact-finder that the issue in question is more likely true than not.

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Sexual misconduct: sexual assault, sexual harassment, and verbal misconduct. (Refer to [Reynolds Policy No. 4-17](#), Title IX – Sexual Misconduct, for a complete definition.)

Student: any person currently enrolled in any credit, non-credit, or developmental course(s).

Student organization: any student organization officially recognized by the Office of Student Life.

Weapon: any object or substance designed to inflict a wound, cause injury, or incapacitate; including, but not limited to, firearms, explosives, pellet guns, sling shots, martial arts devices, knives, brass knuckles, razors, etc.

III. Policy:

A. Application

Any student who accepts the privilege of enrollment extended by Reynolds is deemed to have given his or her consent to the policies of the college. All students assume the responsibility for becoming familiar with and abiding by the general rules of conduct listed in this policy.

Students are expected to obey the law, show respect for properly constituted authority, perform contractual obligations, maintain integrity and high standards in academic work, and observe a standard of conduct appropriate for the college. Proper conduct is expected while on campus, off campus at college-leased or owned facilities, online, or attending activities that are sponsored, initiated, authorized, or supervised by the college.

Disciplinary action will be taken when any student, group of students, or student organization:

1. fails to observe the general standards of conduct or any specific policy, rule, regulation, or college procedure adopted by the college, or
2. acts in a manner not in the best interest of the college community.

In all proceedings, the principle of due process is guaranteed to the student. Disciplinary proceedings conducted pursuant to this policy shall be fair and expeditious. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable. Deviations from the procedures in this policy shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in significant prejudice to an accused student or to the college.

Should the presence of a student on campus be considered a serious and substantial danger to the operation of the college or to the welfare of the college community, the college reserves the right to take immediate action.

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A student who violates federal, state, or local criminal or civil laws while on campus; off campus at college-leased facilities; or attending any activities that are sponsored, initiated, authorized, or supervised by the college; or when representing the college, shall be referred to local authorities. In addition, the student may be subject to disciplinary proceedings by the college. Furthermore, certain criminal and/or civil offenses or inappropriate behavior, although not committed while a student is on campus, off campus at college-leased facilities, or attending any activities that are sponsored, initiated, authorized, or supervised by the college; or when representing the college, may by their very nature pose a serious and substantial danger to the college community. In such cases, the college reserves the right to take appropriate disciplinary action.

Persons not enrolled officially in the college, who by their actions on campus violate their status as invited guests, are subject to the relevant sanctions of the penal code of the Commonwealth of Virginia.

To the extent feasible and practical, disciplinary regulations at the college are in writing in order to give students general notice of prohibited conduct. The regulations are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms.

**B. Violations**

The following shall constitute unacceptable behavior on campus, off campus at college-leased or owned facilities, or when attending any activities that are sponsored, initiated, authorized, or supervised by the college, or when representing the college, and subject offenders to disciplinary action:

1. all forms of academic dishonesty, including cheating, collusion, plagiarism, and forgery (see [Reynolds Policy No. 2-7](#), Academic Honesty)
2. disruption or obstruction of college or college-sponsored activities that may include, but are not limited to, teaching, research, administration, disciplinary proceedings, studying, cultural events, fire, police, emergency services, or other college activities
3. physical and/or psychological abuse, assault and battery, molestation, or threat of such actions against any member of the community or any visitor to the college, or conduct that threatens or endangers the health or safety of any such person
4. acts of harassment that include, but are not limited to, the use or display of "fighting words" by students to harass any person(s) on college property, on other property to which these policies apply as defined in campus implementing regulations, or in connection with official college functions or college-sponsored programs
5. engaging in any form of sexual misconduct, inclusive of sexual harassment, sexual assault, and verbal misconduct. In instances of alleged sexual misconduct, [Reynolds Policy No. 4-17](#), Title IX – Sexual Misconduct, shall take precedence.

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6. indecent, lewd, disorderly, or obscene conduct or expression
7. participating in or inciting a riot or an unauthorized or disorderly assembly
8. damaging, defacing, destroying, or misusing college property or property under its jurisdiction, or the property of a member of the college community or a campus visitor
9. unauthorized entry into or presence in a college facility
10. refusing to depart from any property or facilities of the college upon direction by a college official, such as the president, a President's Executive Cabinet member, Department of Police staff, VCCS officials, or other persons authorized by the president
11. refusing to vacate a classroom upon order of a faculty or staff member
12. use of alcoholic beverages, including the purchase, consumption, possession, or sale of such items, except where specifically authorized within regulations of the college
13. gambling or holding a raffle or lottery on the campus or at any college function without proper college and other necessary approval
14. unlawful use, possession, manufacture, sale, or distribution of any illegal or controlled substance
15. using, possessing, or storing illegal or unauthorized arms classified as weapons, fireworks, explosives, or dangerous chemicals
16. stalking behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a specific person which reasonably and seriously alarms, torments, or terrorizes the person, and which serves no legitimate purpose
17. theft or attempted theft of college property or personal property of a member of the college community or campus visitor or knowingly possessing such stolen property
18. physically detaining or restraining any other person or removing such persons from any place where they are authorized to move or in any way obstructing the free movement of persons or vehicles on college premises or at college activities
19. forging, unauthorized altering, falsifying, or unauthorized use of any college documents, records, keys, or instruments of identification

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20. furnishing false information to the college or to members of the college community who are acting in exercise of their official duties
21. abuse of computer and network access
22. unauthorized or fraudulent use of college facilities and/or equipment, including but not limited to, the telephone system, mail system, computer system (including email and Internet services), transportation system, or use of any of the above for an illegal act
23. using sound amplification equipment, systems, or devices, except as permitted by the college
24. violating fire and other safety regulations that include the misuse or damage of safety equipment
25. willfully encouraging others to commit any of the acts that have been herein prohibited
26. knowingly violating the terms of any disciplinary sanction imposed as a result of official findings of a violation of the conduct policy
27. violation of campus or college parking regulations
28. violation of college policy on demonstrations
29. violation of college policy on solicitation and sales
30. violation of [Reynolds Policy No. 4-3](#), Eating, Drinking, and Smoking in College Facilities (e.g., in classrooms, laboratories, lecture halls, and libraries)
31. violation of local, state, and/or federal laws
32. abuse of the student discipline system, that includes, but is not limited to, failure to appear for a hearing; falsification, distortion, or misrepresentation of information before the hearing officer or committee; disruption or interference of the orderly conduct of student conduct hearings; false accusation of student misconduct, knowingly without cause; attempting to influence impartiality of a member of the hearing committee prior to and/or during the hearing process; harassment of witnesses or members of hearing committees; and the like

IV. Procedures:

A. Disciplinary procedures

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1. Initiation of disciplinary action

An alleged violation of a college policy, rule, regulation, procedure, or standard of conduct should be reported to the Office of Student Affairs or the campus Department of Police by submitting [JSRCC Form No. 75-0005](#), Behavior Intervention Referral form. The vice president of student affairs (VPSA) or designee will review alleged violations. Violations of federal, state, or local criminal and/or civil law will be reported to the appropriate authorities. In response to receiving a Behavior Intervention Referral form, the VPSA or designee may:

- a. dismiss the allegation(s), or
- b. decide to pursue the charges. If charges are pursued, the VPSA or designee will request a pre-hearing meeting with the student by telephone, email, or certified mail within ten (10) business days after receiving notice that the student may have been in violation of the conduct policy. If the student fails to respond to the VPSA's or designee's request for a meeting within ten (10) business days after the initial attempt to contact, the VPSA or designee may institute an appropriate sanction as outlined in section IV.B.

2. Pre-hearing meeting

At the pre-hearing meeting the VPSA or designee, will inform the student of the violation charge(s) against him/her, along with his/her rights and responsibilities under this policy. If the student admits to being responsible, the VPSA or designee will determine an appropriate sanction and notify the student of the sanction within ten (10) business days of the pre-hearing meeting. The student will be required to sign a statement that he/she understands the violation charge, the penalty imposed, and waive his/her right to a hearing.

If the student denies the allegations, the VPSA or designee will:

- a. notify the student of the type of hearing that will be held;
- b. review the hearing procedures with the student;
- c. review the list of proposed witnesses;
- d. provide the student the opportunity to review documents or other evidence that will be presented during the hearing; and
- e. notify the student that he/she will receive notification of the date, time and place of the hearing within (10) business days.

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All written correspondence from the office of the VPSA will be sent by certified mail or electronic mail to the email address established by the college. The timetable for response will be determined by the date of the action by the VPSA or designee.

3. Emergency disciplinary procedures (immediate suspension/trespass warning)

Students, faculty, and staff are strongly encouraged to contact the campus Department of Police at 804-523-5911, if they witness any behavior of students that is unusual, suspicious, disruptive or threatening.

If, in the opinion of the VPSA, or designee, or the campus Department of Police, the presence of a student on campus is considered to be an imminent danger to the health or safety of him/herself, members of the college community or the public, or involves serious disruption of normal college operations, the student may be suspended from the college, including the attendance of all classes and college-sponsored activities as an interim measure. These decisions are measures conducted to mitigate the risk. The college will work with the student temporarily suspended to continue participation in class(es) in an alternate format. However, financial and academic consequences of this suspension are the responsibility of the student.

Students are allowed the opportunity to appeal an immediate suspension/trespass warning. A request must be presented to the VPSA or designee who will work with the campus Department of Police in organizing and preparing for an immediate suspension/trespass hearing.

During the immediate suspension/trespass hearing, the VPSA or designee and at least one (1) member of the Behavioral Intervention Team will collect information regarding the incident and submit their recommendation to the Behavioral Intervention Team for a decision. The burden of proof rests with the student to prove that he/she is not an immediate danger to the health or safety of members of the college community or the public or a serious disruption to normal college operations. Upon review of the information, the Behavioral Intervention Team will make a decision. The VPSA or designee will communicate this decision to the student. Efforts will be made to expedite the immediate suspension appeal process. Whether or not the decision regarding the appeal to allow the student to return to campus is granted or denied, the VPSA or designee will move expeditiously to conduct a hearing (administrative, formal, or student committee hearing as described below) to address the alleged conduct violation.

4. Hearing processes

When a student denies the allegations of charges during the pre-hearing meeting, the VPSA or designee will determine the type of hearing the student will participate in based on the charges present. The student is entitled to a hearing by one (1) of three (3) methods: administrative hearing with a faculty or staff member, formal

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hearing, or student hearing. To address students from a distance, any one of the following hearing processes may be conducted online or via teleconference.

a. Administrative hearing

- (1) If it is determined that an administrative hearing should be conducted, the VPSA or designee will conduct an investigation into the charges by:
  - interviewing the accused and all parties concerned, and
  - obtaining and reviewing any additional information, where needed.
- (2) After the review of all necessary information, the VPSA or designee will determine the student's responsibility for the charges based on a standard of preponderance of evidence. Sanctions will be issued by email or certified mail to the student within ten (10) business days after the decision has been made.
- (3) The student may appeal the finding and/or sanctions to the VPSA. If the VPSA conducted the administrative hearing, the student may appeal to the executive vice president (EVP). The student must submit the appeal in writing within ten (10) business days following notification of the finding and/or sanction. (See section IV.C. Appeals.)

b. Formal and student hearing committees

Both the formal and student hearing committees will be developed by the VPSA or designee.

The duties of both the formal and student hearing committees are to hear student disciplinary cases, decide on the merits of the charges based on the evidence presented, and, if appropriate, recommend a sanction to the VPSA or designee.

Membership of the committee:

- (1) formal hearing committee – one (1) faculty member, one (1) administrative staff member, and one (1) student leader
- (2) student hearing committee – three (3) student leaders within the college

The VPSA will notify the student in writing of the date, time, and location for the hearing. The hearing will be scheduled no more than fifteen (15)



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business days after the receipt of the written notice from the student, unless otherwise scheduled. In addition, the student will be:

- (1) provided with a written statement of the charges.
- (2) provided with the names of persons serving on the hearing committee, a list of potential witnesses against him/her and the nature of their proposed testimony, unless it is determined that providing the names of witnesses might be a threat to the witnesses' welfare. The accused student may request the removal of a member of the hearing committee on the grounds of personal bias by submitting a written statement to the VPSA or designee specifying the basis of the challenge no later than three (3) business days prior to the hearing. The VPSA or designee will determine whether to sustain or deny the challenge. If the request is sustained, a replacement will be appointed by the VPSA or designee to serve on the hearing committee.
- (3) advised of the right to appear alone or with an advisor who may advise the accused but not question witnesses or participate in any part of the hearing.
- (4) allowed to examine, in advance, any written evidence or exhibits that the college plans to submit; reciprocally, the student will allow the college to examine, in advance, any written evidence or exhibits the student plans to submit.
- (5) advised of the right to argue in his/her behalf, present evidence and witnesses, and question witnesses present.
- (6) advised of the right to appeal the decision.

c. Formal and student hearing procedures

The hearing will be closed to the public. The VPSA, designee, or hearing officer will have the duty of maintaining order at the hearing; and, therefore, will have the right to exclude any disruptive party or witnesses from the hearing. If the student fails to appear for the hearing, provided adequate advance notice of the hearing time, date, and location has been given, he/she waives the right for further appeal; and the disciplinary action taken by the college cannot be appealed. The meetings of the formal and student hearing committees may be taped or transcribed. In addition, the following will be observed:

- (1) Order of presentation:
  - (a) opening statement of accuser (VPSA or designee)

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- (b) opening statement of accused (if desired)
  - (c) presentation of evidence by the accuser
  - (d) presentation of evidence by the accused
  - (e) calling of witnesses by accuser
  - (f) cross-examination of witnesses by accused
  - (g) questions by committee (if necessary)
  - (h) calling of witnesses by accused
  - (i) cross-examination of witnesses by accuser
  - (j) questions by committee (if necessary)
  - (k) closing statement by accused
  - (l) closing statement by accuser
  - (m) private deliberation by committee
- (2) Only tangible evidence of which all parties have had an opportunity to review in advance will be permitted to be introduced at the hearing.
- (3) Both sides have the right to question witnesses. If a called witness does not appear, the hearing committee may consider their written or taped statements; the statement will be weighted accordingly by the hearing committee, as the charged student has no opportunity to cross-examine the witness making the written or taped statement. Student questioning of witnesses may be modified in cases involving victims of crimes or protected student information. Witnesses will be excluded from the hearing room and at the appropriate time brought in individually before the committee.
- (4) Committee members can only ask questions after examination and cross-examination have taken place.
- (5) Private attorneys or other student advisors will be allowed to be present at the hearing on behalf of either party. They may consult with and advise the parties during the proceeding but may not cross-examine witnesses or otherwise directly participate on behalf of either party.
- (6) The burden of proof will rest with the college. The burden of proof must be met by a preponderance of evidence. Evidence will include, but is not limited to, facts based on oral and/or written testimony, or other tangible evidence.
- (7) A simple majority vote of the committee will determine a student's disciplinary finding.
- (8) The committee will recommend to the VPSA or designee a sanction in accordance with section IV.B. Sanctions.

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- (9) The student will be notified of the committee's decision and reasons for the decision, in writing, within ten (10) business days and may be required to meet with the VPSA or designee.
- (10) The student may appeal the finding of the committee with the VPSA or the executive vice president. (See section IV.C. Appeals.)

**B. Sanctions**

In the instance that a student is found to be responsible for violating the college's conduct policy, sanctions will be imposed. In general, the goal of the sanction is to educate, rehabilitate, or deter inappropriate behavior, rather than simply punish students.

The severity of the sanction will be in relation to the severity of the violation. Sanctions will be applied consistently so that students violating the same standard or policy receive similar penalties.

The following sanctions may be imposed:

1. admonition: an oral or written statement to a student indicating that the behavior resulting in the reprimand is unacceptable and a violation of [Reynolds Policy No. 1-35](#), Student Conduct. Continuation or repetition of this conduct could result in further disciplinary action.
2. educational project or community-service project: a project or assignment on campus or in the community that will provide the student with the opportunity to observe and learn specific, valued human behaviors related to his/her conduct (e.g., participation in a leadership seminar, alcohol/drug seminar, or personal development class). Evidence of satisfactory completion will be required.
3. probation: exclusion from the privilege of participation in college-related activities, including the holding of any student office for a specified period
4. restitution: the repayment/reimbursement for damage to or misappropriation of property. This may take the form of acts, services, or other compensation.
5. deactivation of a student organization
6. immediate suspension/trespass warning (see section IV.A.2)
7. suspension: exclusion from attending the college as a student for a definite period of time not to exceed one (1) year
8. dismissal/expulsion: permanent separation from the college as a student

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Sanctions may be applied separately or in combination with another sanction. Previous behavior or conduct violations will be considered in determining a sanction.

In certain circumstances, a student may be referred for specialized help (e.g., psychological assistance, consultation with a counselor, and/or social service agencies) in lieu of the aforementioned penalties. If this occurs, the student is expected to periodically meet with the VPSA or designee who will review the student's progress.

Denial of readmission may be imposed upon a student who has violated [Reynolds Policy No. 1-35](#), Student Conduct, and has withdrawn from the college prior to or during disciplinary proceedings.

The college reserves the right to pursue any and all legal remedies, and such rights and remedies are specifically reserved.

**C. Appeals**

Students are afforded the opportunity to appeal a decision up to two (2) times. An appeal is not a re-hearing. It represents a procedural safeguard for the student and should not be used for anything other than that right and privilege. In the appeal process, the burden of proof is shifted from the college to the student charged with the offense. The student must show that it is more likely than not that one or more of the grounds for appeal have merit. In the event that a student wishes to appeal a decision he or she may appeal on or more of the following:

1. excessively severe sanction
2. new or newly discovered evidence that may substantially affect the outcome of the hearing
3. procedural error, which substantially affected the outcome of the hearing

**First Appeal**

For the first appeal, a student may appeal to the VPSA decisions made and/or sanctions given in hearings that were conducted by the dean of students, a hearing panel, or any other staff member. If the hearing was conducted by the VPSA, then the first appeal would go to the executive vice president (EVP). First level appeals must be submitted within ten (10) business days following the decision on the hearing. Failure to file a written appeal within the time period presumes the student's acceptance of the staff member's/committee's decision, and he/she waives his/her right to further appeal. If there is adequate reason to believe that one or more of the grounds of appeal have merit, an appeal meeting will be scheduled by the VPSA.

1. Once the student files an appeal, the VPSA will be furnished a copy of the hearing file and records of the student from the Office of Student Affairs.

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2. Within ten (10) business days of receipt of the student's appeal, the VPSA will notify the student of the date, time, and place of a meeting for the appeal.
3. During the appeal meeting, the VPSA will review all information presented during the administrative, formal, and/or student hearing processes and give the student an opportunity to present information to support his/her appeal.
4. Within ten (10) business days of the appeal meeting, the student will be notified by the VPSA of the decision.
5. If the student is dissatisfied with the decision of the appeal made by the VPSA, the student may initiate a second-level appeal.

**Second Appeal**

For the second appeal, a student may appeal to the EVP. If the first appeal was conducted by the EVP, a student may appeal the decision to the president of the college. If there is adequate reason to believe that one or more of the grounds of appeal have merit, an appeal meeting will be scheduled by the EVP.

1. Once the student files an appeal, the EVP will be furnished a copy of the hearing file and records of the student from the Office of Student Affairs.
2. Within ten (10) business days of receipt of the student's appeal, the EVP will notify the student of the date, time, and place of a meeting for the appeal.
3. During the appeal meeting, the EVP will review all information presented during the administrative, formal and/or student hearing processes and give the student an opportunity to present information to support his/her appeal.
4. Within ten (10) business days of the appeal meeting, the student will be notified by the EVP of the decision.

The decision of the EVP is final.

**D. Records**

Disciplinary action may result in the establishment of a disciplinary file in the name of the accused student. If the student is found innocent of charges, the file will be voided and will not result in a disciplinary record for the student. Factors to be considered in record retention include, but are not limited to, present demeanor, conduct of the student subsequent to the violation, and nature of the violation (e.g., severity of any damage, injury, or harm resulting from it).

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1. Files of students who have been disciplined will be retained a minimum of three (3) years from the date sanctions were imposed. At the discretion of the VPSA or designee, the files may be destroyed after three (3) years or kept for a longer period (particularly in cases where the student may be currently enrolled after the three [3] years has passed). Information contained in the files is confidential and may be released only in accordance with applicable federal and state laws.
2. If a student is expelled, complete records of the hearing proceedings and all pertinent documents will be maintained permanently by the VPSA or Office of Student Affairs.
3. Records of all disciplinary actions will be filed in the Office of Student Affairs.

V. Other Information:

[Code of Virginia, Title 23, Chapter 1, Section 23-9.2:10](#), Educational Institutions, violence prevention committee

[Reynolds Policy No. 1-22](#), Behavioral Intervention

[Reynolds Policy No. 2-7](#), Academic Honesty

[Reynolds Policy No. 2-18](#), Classroom Interruptions

[Reynolds Policy No. 2-19](#), Electronic Devices on Campus

[Reynolds Policy No. 4-3](#), Eating, Drinking, and Smoking in College Facilities

[Reynolds Policy No. 4-17](#), Title IX – Sexual Misconduct

[Reynolds Policy No. 4-31](#), Children and Non-Students on Campus

[Reynolds Policy No. 4-32](#), Use of Computers and Information Technology Resources

[JSRCC Form No. 75-0005](#), Behavior Intervention Referral