



# Policies and Procedures

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**TITLE: STUDENT CONDUCT**

**POLICY NO: 1-35**

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

**VCCS POLICY NO: Section 2.1X.D.7.1 and 6.5.0**

**REVISED DATE: 04/01/08**

I. Purpose:

To promote a safe, healthy environment that is conducive to learning at J. Sargeant Reynolds Community College.

II. Definition:

Assault: Refers to a verbal or physical attack on someone.

Battery: Refers to an unwanted striking or touching of someone.

Campus: Refers to one of the three campuses of the college (Parham Road Campus, Downtown Campus, Western Campus) as well as other college leased or owned facilities.

Clear and convincing evidence: Refers to the standard of judgment that indicates the weight of the evidence is strong enough that the truth of its factual contentions are highly probable.

College: Refers to J. Sargeant Reynolds Community College.

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

Group of students: Refers to a number of persons who are associated with each other, but who have not been officially recognized by the office of Student Life as an organization.

Harassment: Refers to the continual irritating or tormenting of someone.

Preponderance of evidence: Refers to 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.

President: Refers to the chief executive officer of the college.

Sexual misconduct: Defined as sexual assault, sexual harassment and verbal misconduct. (Refer to [JSRCC Policy 1-14](#), Student Sexual Misconduct, for a complete definition).

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Student: Refers to any person currently enrolled in any credit, non-credit, or developmental courses offered by J. Sargeant Reynolds Community College.

Student organization: Refers to any student organization officially recognized by the office of Student Life.

Weapon: Refers to 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

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, or attending activities that are sponsored, initiated, authorized, or supervised by J. Sargeant Reynolds Community 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.
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.

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 J. Sargeant Reynolds Community College; or when representing the college will be referred to local authorities. In addition, the student may be subject to disciplinary proceedings by the college. The college reserves the right to take immediate action should the presence of the student on campus be considered a serious and substantial danger to the operation of the college or to the welfare of the college community.

Certain criminal or civil offenses, 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 J. Sargeant Reynolds Community 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.

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**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 J. Sargeant Reynolds Community 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 [JSRCC Policy No. 1-34](#), 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, any visitor to the college, or conduct that threatens or endangers the health or safety of any such person
4. Acts of harassment - written, verbal, or physical - that stigmatize or victimize an individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, mental status, or disabilities
5. Engaging in any form of sexual misconduct, inclusive of sexual harassment, sexual assault, and verbal misconduct. In instances of alleged sexual misconduct, [JSRCC Policy No. 1-14](#), Student Sexual Misconduct, will take precedence.
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, 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, an Executive Cabinet member, JSRCC Police and Security Services staff, VCCS officials, or other persons authorized by the president
11. Refusing to vacate a classroom upon order of the instructor of record, Police and Security Services staff, Executive Cabinet member, or academic dean
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

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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. Littering, defacing, destroying, or damaging property of the college or property under its jurisdiction or removing or using such property without authorization
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
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 E-mail 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 college policy on smoking (i.e., in classrooms, laboratories, lecture halls, and libraries)

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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**

**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 campus Police and Security Services by submitting [JSRCC Form No. 75-0005](#), Student Misconduct Report. The associate vice president of student affairs (AVPSA) or designee in consultation with the Police and Security Services office 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 Student Misconduct Report the AVPSA or designee may:

- a. Dismiss the allegation(s).
- b. Decide to pursue the charges. If charges are pursued, the AVPSA or designee will request a prehearing meeting with the student by phone or certified mail within ten (10) class days after receiving notice that the student may have been in violation of the conduct policy. If the student fails to respond to the AVPSA's or designee's request for a meeting within ten (10) class days after the initial attempt to contact by phone or mail, the AVPSA or designee may institute an appropriate sanction as outlined in Section IV.B.
- c. Pre-hearing meeting: At the meeting the AVPSA or designee, will inform the student of the violation charge(s) against him/her. If the student admits to being responsible, the AVPSA will determine an appropriate sanction and notify the student of the sanction within ten (10) class days of the hearing. 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 AVPSA or designee will:

- (1) Notify the student of the type of hearing that will be held.
- (2) Review the hearing procedures with the student.



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- (a) Interviewing the accused and all parties concerned.
- (b) Obtaining and reviewing any additional information (where needed).
- (2) After the review of all necessary information, the AVPSA or designee will determine the student's responsibility for the charges based on a standard of preponderance of evidence. Sanctions will be issued by 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 AVPSA. If the AVPSA conducted the administrative hearing, the student may appeal to the executive vice president. The student must submit the appeal in writing within ten (10) class days following notification of the finding and/or sanction. Refer to IV.C: Appeals.

**b. Formal and student hearing committees**

Both the formal and student hearing committees shall be developed by the AVPSA 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 AVPSA or designee.

- (1) Membership of the committees shall be:
  - (a) Formal hearing committee – one faculty member, one administrative staff member, and one student leader
  - (b) Student hearing committee – three student leaders within the college

The AVPSA shall notify the student in writing of the date, time, and location for the hearing. The hearing shall be scheduled no more than fifteen (15) days after the receipt of the written notice from the student. 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 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

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AVPSA or designee specifying the basis of the challenge no later than three (3) days prior to the hearing. The AVPSA or designee will determine whether to sustain or deny the challenge. If the request is sustained, a replacement will be appointed 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 shall be closed to the public. The AVPSA, designee, or hearing officer shall have the duty of maintaining order at the hearing; and, therefore, shall 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 can not 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 (AVPSA or designee)
  - (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

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- (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 shall 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 shall rest with the college. The burden of proof must be met by clear and convincing evidence. Evidence shall include, but is not limited to, facts based on oral and/or written testimony and tangible evidence.
- (7) A simple majority vote of the committee shall determine a student's disciplinary finding.
- (8) The committee shall recommend to the AVPSA or designee a sanction in accordance with IV.B: Sanctions.
- (9) The student will be notified of the committee's decision and reasons for the decision, in writing, within ten (10) class days and may be required to meet with the AVPSA or designee.
- (10) The student may appeal the finding of the committee with the AVPSA or the executive vice president. Refer to 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.

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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 [JSRCC 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, 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 IV.A.2)
7. Suspension: exclusion from attending the college as a student for a definite period of time not to exceed one year
8. Dismissal/Expulsion: permanent separation from the college as a student

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 will be expected to periodically meet with the AVPSA or designee who will review the student's progress.

Denial of readmission may be imposed upon a student who has violated [JSRCC 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 may appeal to the AVPSA decisions made and/or sanctions given in administrative hearings that were not conducted by the AVPSA or to the executive vice president for

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administrative hearings that were conducted by the AVPSA. Students may appeal to the AVPSA decisions made and/or sanctions given during formal and student hearings. The basis for the appeal will be limited to these grounds:

1. Excessively severe sanction
2. New or newly discovered evidence of a character that may substantially affect the outcome of the meeting
3. Procedural error, which substantially affected the outcome of the meeting

The appeal must be submitted in writing to the AVPSA or executive vice president's office within ten (10) class days following the committee's decision.

Failure to file a written appeal within the time period presumes the student's acceptance of the staff member's/committees' decision, and he/she waives his/her right to further appeal.

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 above grounds for appeal have merit. 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 AVPSA or designee or executive vice president.

1. Once the student files an appeal, the AVPSA or executive vice president will be furnished a copy of the hearing file and records of the student from the Student Affairs office.
2. Within ten (10) class days of receipt of the student's appeal, the AVPSA or executive vice president will notify the student of the date, time, and place of a meeting for the appeal.
3. During the appeal meeting, the AVPSA or executive vice president 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) class days of the appeal meeting, the student will be notified by either the AVPSA or designee or the executive vice president of the decision.
5. If the student is dissatisfied with the decision of the appeal made by the AVPSA, the student can appeal to the executive vice president of the college. If the student is dissatisfied with the decision of the executive vice president, the student can appeal to the president of the college. The president and executive vice president must follow the same timeline prescribed for appeals to the AVPSA. The decision of the president is final.

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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 shall 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).

1. Files of students who have been disciplined will be retained a minimum of three years from the date sanctions were imposed. At the discretion of the AVPSA or designee, the files may be destroyed after three years or kept for a longer period (particularly in cases where the student may be currently enrolled after the three 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 shall be maintained permanently by the AVPSA or office of Student Affairs.
3. Records of all disciplinary actions will be filed in the office of Student Affairs.

V. Other Information:

JSRCC [Policy No. 1-14](#), Student Sexual Misconduct

JSRCC [Policy No. 1-34](#), Academic Honesty

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

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

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

JSRCC [Policy No. 4-32](#), Usage of Computers and Computer Information Resources

JSRCC [Policy No. 4-33](#) Fund Raising

Attachments

JSRCC [Form No. 75-0005](#), Student Misconduct Report