



**Patrick & Henry**  
Community College

# Statement of Student Rights & Responsibilities

Patrick & Henry Community College is a part of the Virginia Community College System (VCCS) and adheres to the VCCS Policy Manual. This statement of rights and responsibilities is designed to clarify those rights that the student may expect to enjoy as a member of the student body of a community college and the obligations which admission to the college places upon the student. In the event there is any inconsistency between the VCCS Policy Manual and this Handbook, the VCCS Policy Manual will be controlling.

## Responsibilities and Rights

A. The submission of an application for admission to a community college represents a voluntary decision on the part of the prospective student to participate in the programs offered by the institution pursuant to the policies, rules, and regulations of the community college and rules and regulations of the State Board for Community Colleges. College approval of that application, in turn, represents the extension of a privilege to join the college community and to remain a part of it so long as the student meets the required academic and behavioral standards of the college system.

B. Each student has the privilege of exercising his/her rights without fear of prejudice. Such rights include the following:

1. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the college for curricula offered by the college.
2. No disciplinary sanctions may be imposed upon any student without due process, except as explained in the following sections.
3. Free inquiry, protected expressions, and assembly are guaranteed to all students provided their actions do not interfere with the rights of others or the effective operation of the institution. The college may place reasonable time and place restrictions on expressive activities.
4. Academic evaluation of student performance shall be neither arbitrary nor capricious.
5. The college and members of the college community will exercise their reasonable efforts to secure the safety, protection of property and the continuity of the educational process.

# Academic Integrity Policy

The Academic Integrity Policy is a formal process governing student conduct at P&HCC. The Academic Integrity Policy governs student conduct directly related to the academic life of the institution and is in effect during all phases of a student's academic career. The Policy is applicable to any academically related experience involving P&HCC students whether on or off the campus. All alleged violations of the Policy must be resolved in accordance with this Policy and under the direct authority of a P&HCC faculty member, P&HCC Division Dean or the Dean of Student Success and Enrollment Services as detailed in the Policy.

Students agree that by taking courses at P&HCC, all required papers may be subject to submission for textual similarity review to a plagiarism detection program, at the discretion of the instructor, for the detection of plagiarism. All submitted papers will be included as source documents in the plagiarism detection software's reference database solely for the purpose of detecting plagiarism of such papers.

## Expressive Activity

VCCS Policy, 6.5.1, on Expressive Activity applies to all buildings, grounds, and other spaces owned or controlled by the college. The term "expressive activity" includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

VCCS Policy 6.5.2 Policy Statement on Expressive Activity:

College property is primarily dedicated to academic, student life and administrative functions. But it also represents the "marketplace of ideas," and especially for students, many areas of campus represent a public forum for speech and other expressive activities. Colleges may place restrictions on expressive activities occurring indoors, but especially for students and student organizations, the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature. Indoors or outdoors, college shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, colleges may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must be content-neutral, narrowly tailored to serve a significant governmental issue, and allow ample alternative channels for communication of the information. No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

# Student Publications

Editorial freedom of student publications entails a corollary obligation under the canons of responsible journalism. All student publications shall explicitly state that the opinions expressed are not necessarily those of the college or its student body. Any student newspaper must adhere to the regulations as outlined in the VCCS Policy Manual.

# Student Conduct

Generally, college disciplinary action shall be limited to conduct which adversely affects the college community's pursuit of its educational objectives. Disciplinary action, though not limited to the misconduct below, shall be exercised in all reported incidences of misconduct on the campus.

- A. All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.
- B. Disruption or obstruction of teaching, tutoring, testing, research, administration, disciplinary proceedings, or other college activities.
- C. Possessing, selling, manufacturing, or otherwise distributing alcohol or illicit drugs while on campus, attending a college-sponsored off-campus event, or while serving as a representative of the college.
- D. Gambling on the college property or at any college function.
- E. Littering, defacing, destroying or damaging property of the college or property under its jurisdiction or removing or using such property without authorization.
- F. Willfully encouraging others to commit any of the acts that have been herein prohibited.
- G. Violating any local, state, or federal laws.
- H. Violating any rule or regulation not contained within the official college publications but announced as administrative policy by a college official or other person authorized by the president.
- I. Violation of college parking regulations.
- J. Violation of college fire regulations or emergency preparedness procedures, i.e., failure to comply with emergency evacuation procedures, tampering with fire protection apparatus, etc.
- K. Theft or attempted theft of college or personal property on college premises.
- L. Unauthorized entry into or presence in any college building or facility.
- M. Violation of college policy on expressive policy.
- N. Violation of college policy on solicitation and sales.
- O. Violation of college policy on smoking in any campus building.

P. Violation of college policy on the ethical use of computer resources or non-adherence to rules and guidelines for behavior in all college labs or facilities.

## Threat Assessments

It is Patrick & Henry Community College's policy to promote a safe environment for its employees, students, and campus visitors. The college is committed to working with its employees and students to maintain a work and learning environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

All students shall be subject to the college's Workplace Violence Policy. Violence, threats of violence, harassment, intimidation, and other disruptive behavior will not be tolerated. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm to one's self or to others. Such acts shall include, but not be limited to the following:

- A. Physical, digital, verbal, and/or psychological threats, abuse or the threat of such abuse, of any person on college property or at college activities occurring off college property. This includes but is not limited to sexual assault, date rape, and sexual harassment or other forms of unwanted attention or physical contact.
- B. Compromising or threatening the health or safety of one's self or any member of the campus community.
- C. Participating in or inciting a riot or an unauthorized or disorderly assembly. Seizing, holding, commandeering, or damaging any property or facilities of the college, or threatening to do so, or refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized by the president.
- D. Possessing on college property or at any college activity any firearm, weapon, or dangerous chemical or explosive elements or component parts thereof not used for lawful college studies, without authorization of the president of the college.
- E. Physically detaining or restraining any person or removing such person from any place where that person is authorized to remain, or in any way obstructing the free movement of persons or vehicles on college property or at college activities occurring off college property.

All reports of incidents will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from college property and may be subject to disciplinary action, criminal penalties, or both.

As required by law, the college has established a threat assessment team that includes members from student affairs, human resources, law enforcement, a mental health representative, and others who have knowledge, professional expertise, or responsibilities that could assist the committee with completing its work. Each threat assessment team will implement the assessment, intervention, and action policies set forth by the violence prevention committee. Violations of the Workplace Violence Policy and any actions taken by the threat assessment team do not fall within the purview of this policy and are not appealable.

# Student Disciplinary Policies and Procedures

## A. Disciplinary Procedures.

The Vice President of Academic and Student Success Services is responsible for the administration of disciplinary procedures. Violations of college policy are subject to disciplinary action when the violations occur on college property, at other locations where the college provides services, or at any college function. Infractions of federal, state or local laws occurring off-campus shall be the concern of the civil authorities except when such actions:

- directly affect health, safety or security of college students, employees or property;
- affect the college's pursuit of its educational purposes; or
- disrupt or interfere with any college function.

Reports of alleged student violations of published college regulations may be submitted by any individual to the Vice President of Academic and Student Success Services. It is the responsibility of the Vice President of Academic and Student Success Services to interpret college policy regarding the alleged violation and to identify appropriate referrals (in cases of students who may be a threat to themselves or others) or in other cases, the specific charges that will be brought against the student(s) involved.

After reviewing the allegations, specifying the charges, and obtaining any necessary information, the Vice President of Academic and Student Success will hold an administrative hearing within ten (10) business days from the date charges are brought. The hearing will include in the discussion the nature and source of the charges and the student's rights and responsibilities. Students shall not have the right to legal counsel, but may be accompanied by an advisor who may come from within or without the institution. Such counsel or advisor must restrict participation to advising the accused, and may not participate in the actual proceedings of the hearing such as discussion or cross-examination of witnesses. Following this hearing, the Vice President of Academic and Student Success will render a decision in writing within ten (10) business days from the date of the hearing.

## B. Appeal

Should either the accused student or the person initiating charges choose to appeal the decision of the Vice President of Academic and Student Success Services, the appealing party shall notify the Vice President of Academic and Student Success Services within ten (10) business days of the date of the written decision. The notice of appeal shall contain a concise statement of the grounds for the appeal.

Appeals from the Vice President of Academic and Student Success Services shall be heard before the Student-Faculty Judiciary Committee within twenty (20) business days after filing the appeal. By filing an appeal to the Student-Faculty Judiciary Committee the student waives all rights under the Family Educational Rights and Privacy Act of 1974 (FERPA).

The only grounds for appeal are whether:

- The original hearing was not conducted in conformity with established procedures.
- The original findings were not supported by any substantial evidence.
- There is new evidence or relevant facts that were not brought out in the original hearing, and which were not known or discoverable by the appellant prior to the conclusion of the hearing.

- The college regulations were improperly applied in that particular case.

The committee shall determine by majority vote whether any of the permissible grounds for appeal are present. Pending the outcome of the appeal hearing, any disciplinary sanctions stipulated in the original determination shall remain in effect.

#### C. The Student-Faculty Judiciary Committee

The Student-Faculty Judiciary Committee shall consist of the following members:

1. One (1) dean appointed by the president. The dean will serve as chairperson of the committee.
2. Three (3) faculty members appointed by the president.
3. Three (3) students appointed by the president in conjunction with the president of the Student Government Association and/or the president of the local chapter of Phi Theta Kappa.

#### D. Student-Faculty Judiciary Committee Procedure

In order to provide an orderly procedure for handling disciplinary cases that provide the student due process, the Student-Faculty Judiciary Committee shall follow these guidelines:

1. The student will receive written notification of the time, place, and date of any hearing at least five (5) business days prior to the hearing. Any request for a delay and the grounds for the delay will be submitted in writing to the hearing body.
2. Both parties will be allowed access, upon request, to any and all materials which will be introduced by the other party at the hearing.
3. The student may elect not to appear at a hearing, but the hearing will still be held in the student's absence.
4. Students shall not have the right to legal counsel, but may be accompanied by an advisor who may come from within or outside the institution. Such counsel or advisor must restrict participation to advising the accused, and may not participate in the actual proceedings of the hearing such as discussion or cross-examination of witnesses.
5. Hearings will be closed to the public and press.
6. All evidence against a student will be presented in the student's presence unless the student declines to attend, and the student will be permitted to question and confront any witnesses.
7. The student will be given the opportunity to speak and to present witnesses.
8. Students may remain silent if they choose to do so.
9. The committee will decide the case based upon a preponderance of the evidence-that is the greater weight of the evidence. The burden of proof will rest with those bringing the charges. All decisions will be based only on the evidence presented before the hearing body.

10. All disciplinary cases heard by the Student-Faculty Judiciary Committee will be decided by a vote in which a majority of the membership concurs. The chairperson shall be entitled to vote.
11. The student will receive written notification of any hearing body's decision within fifteen (15) business days after the conclusion of the hearing.
12. An audiotape of any appeal hearing will be kept by the college until the conclusion of any appeals or the lapse of the appeal time, whichever comes later. Copies will be made available to the student at the student's expense.
13. If the Student-Faculty Judiciary Committee imposes or upholds a sanction, the student may appeal the sanction to the president within ten (10) business days of the date of the formal written notification from the committee. The appeal shall contain a brief and succinct statement of the grounds for the appeal. The only grounds for appeal are whether:
  - (a) The original hearing was not conducted in conformity with established procedures.
  - (b) The original findings were not supported by any substantial evidence.
  - (c) There is new evidence or relevant facts that were not brought out in the original hearing, and which were not known or discoverable by the appellant prior to the conclusion of the hearing.
  - (d) The college regulations were improperly applied in that particular case.

The decision of the president shall be made upon the existing record and no new evidence or testimony may be introduced. The decision of the president shall be final.

#### E. Disciplinary Sanctions

Disciplinary sanctions available to the Vice President of Academic and Student Success and the Student-Faculty Judiciary Committee are as follows:

1. Removal of the charges against the student;
2. Admonition - An oral or written statement to a student that the student is violating or has violated college rules and may be subject to more severe disciplinary action;
3. Disciplinary probation - Removal of the privilege of participating in co-curricular activities of the college, including the holding of any student office for a period of time;
4. Restitution - Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation;
5. Other appropriate disciplinary sanction specifically related to the charges;
6. Disciplinary suspension - Exclusion from attending the college as a student for a definite period of time;
7. Dismissal from the college - Termination of student status for an indefinite period. The conditions of the readmission, if any, will be stated in the order of dismissal.

8. The Student-Faculty Judiciary Committee or president may only affirm or lessen (including reversal) the decision or return the decision to the Vice President of Academic and Student Success Services. The Student-Faculty Judiciary Committee or president may not impose a more severe sanction.

#### F. Disciplinary Records

All records of disciplinary action will remain confidential, will remain separate from the student's academic record, will be maintained in the office of the Vice President of Academic and Student Success Services and will not be available to unauthorized persons on campus or to any person off campus, without the express written permission of the student involved. Exceptions will be made only under the conditions specified in the Family Education Rights and Privacy Act of 1974, as amended, and under a court order or subpoena.

A student may be placed on interim suspension by the president or the president's designee and barred from the campus at any time if the student's presence is deemed a danger to others, to property, or is likely to be disruptive to the normal educational activities of the college. Nothing in these procedures should be construed to prevent the president from taking such official steps as deemed necessary except that final action should be in accordance with the above procedures.