

Student Conduct

Nash Community College students are expected to conduct themselves as responsible adults in accordance with generally accepted standards of morality and decency at all times. The following behaviors, while not inclusive, will warrant immediate suspension or other disciplinary action:

1. Physical abuse or assault, domestic violence, dating violence, threats, intimidation, stalking, abusive communication (written or verbal), and/or conduct that threatens or endangers the physical or psychological health or safety of another person.
2. Sexual violence, coercion, or harassment against another individual whether perpetrated by a stranger or acquaintance, including attempted rape, and sexual assault, sexual misconduct, stalking, voyeurism, exposure, sexually harassing communication (includes electronic), unwanted touching, and sexual activity in a context of emotional coercion.
3. Retaliation against an individual cooperating with a College-related investigation.
4. Fighting.
5. Disruption of learning activities.
6. Damage to or destruction of College or private property.
7. Assault on a College employee, a student, or any other person while on campus or at College- sponsored events.
8. Insubordination toward a College employee (failure to comply with the directions of any College official, faculty, staff, or law enforcement officer acting in the performance of their duties) or showing disrespect toward an employee, student, or other person.
9. Committing any act (verbal, electronic, written, or other) which intimidates, threatens, degrades, or disgraces a College employee or the College itself, student or other person on campus.
10. Any series of behavioral patterns that cause a faculty or staff member to seriously question the student's interest in learning.
11. Stealing or attempting to steal school property or personal property belonging to another student, employee or visitor while on the campus of Nash Community College.
12. Possessing, using, transmitting or being under the influence of any narcotic, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or any other kind of intoxicant while on campus. Students using drugs that are officially authorized by a physician and are likely to cause impairment of performance in lab, shop, or clinical areas should consult the appropriate instructor.

Note: Using a drug officially authorized (prescribed to an individual) by a physician will not be considered a violation of this regulation

13. Academic Dishonesty (for more information, please see Academic Integrity section).
14. Gambling while on campus or at a College-sponsored activity.
15. Intentionally and openly using profanity (verbal, electronic, written, or other) in such a manner that listeners could be embarrassed, offended or insulted.
16. Intentionally and openly engaging in obscene activities while on campus or at a College sponsored event.
17. Illegal use of the Internet or other violations of the Internet policy.
18. Displaying or wearing gang clothes, or displaying gang graffiti/symbols, or flashing gang signs.
19. Intentionally and openly exposing undergarments to such a degree that it embarrasses or offends others.
20. Making excessive noise, including loud conversations, car stereos, etc. that disturbs others anywhere on campus (students using music players, computers, cell phones, or other electronic devices on campus must use headphones or earphones).
21. Any display of affection that offends others.
22. Possessing a firearm or weapon as outlined in NCGS 14-269.2. Possessing any dangerous chemical or explosive elements or component parts thereof not used by the student for lawful College studies.
23. Forgery, altering, or misuse of College documents, records, or instruments of identification with intent to deceive.
24. False reporting of an emergency: the false reporting of a bomb, fire, or other emergency in any building, structure, or facility by means of activating a fire alarm or in any other manner.

Student and Public Grievance/Complaint Procedure

As a matter of practice, Nash Community College believes that most student grievances can be informally resolved. Any student (traditional, non-traditional, distance education, etc.) who has a grievance should express the concern with the appropriate College personnel responsible for the source of the grievance. When informal procedures do not resolve the grievance, written student

grievances should be sent to the Vice President for Student and Enrollment Services with the following information, if available:

- Name of the student accused of violating the student conduct
- Clear explanation of the nature of the incident
- Names, addresses, and phone numbers of witnesses
- Names, addresses, and telephone numbers of those filing the complaint

The Vice President for Student and Enrollment Services will determine the appropriate College personnel to review the grievance. The grievance will be reviewed and written notification of the resolution of the College's position of the grievance will be sent to the student within 15 working days of the receipt of the grievance. The Vice President for Student and Enrollment Services will maintain records of all formal complaints and responses. Nash Community College will not review anonymous grievances. Members of the public may register grievances by sending signed, written statements to the Office of the President, Nash Community College, PO Box 7488, Rocky Mount, NC 27804-0488.

If a student believes that any member of the Nash Community College community has violated the College's policy against discrimination, harassment, or retaliation, or the College's Sexual Violence Policy, the student should report his or her concerns in accordance with those policies detailed in the College policy.

Review of the Grievance

When a complaint is received, the Vice President for Student and Enrollment Services or his or her designee reviews the grievance. If a complaint is received that alleges a student has engaged in behavior that would violate the College's Sexual Violence Policy, the complaint will be immediately forwarded to the appropriate College Title IX Coordinator or Deputy Coordinator. All other complaints will be evaluated by the Vice President for Student and Enrollment Services or his or her designee to determine the disciplinary action, if any.

Notification of Complaint or Disciplinary Action

The student will be notified in writing of a meeting to discuss the complaint lodged at which time his or her attendance is required. Failure to attend this meeting may result in the College proceeding with the resolution of the complaint (including disciplinary action) without the student's contribution.

A student who has been charged under the College's student grievance or disciplinary process will have the right to be:

1. informed of the grievance or disciplinary proceeding
2. notified in writing of the complaint or disciplinary action
3. informed of the appeal process before the College's Student Affairs Committee (for disciplinary issues) or the College's Academic Review Committee (for violations of the College's academic rules)

Academic Review Committee

The Academic Review Committee investigates instructional matters including, but not limited to, consideration of the waiver of academic rules. Any member of the College community may petition this committee to hear cases and questions concerning academic rules. The petition must be made within 30 calendar days of the alleged issue. A petition received after 30 calendar days will not be heard. The Vice President for Student and Enrollment Services or his/her designee shall be responsible for informing the parties involved and the student(s) of the date, time and location of the hearing. The Vice President for Student and Enrollment Services shall convene the Academic Review Committee no later than 15 business days (excluding holidays and academic breaks) after a request for an Academic Review Committee hearing. If a student fails to attend the scheduled hearing, the appeal is considered dropped and may not be reopened for the same alleged issue. The committee's purpose is to investigate and make recommendations to the Vice President for Student and Enrollment Services. The Academic Review Committee is an investigative and recommendation group; it is not a judiciary body or court. Procedures and actions appropriate to a court are not necessarily appropriate to this group.

Five faculty and two staff members, appointed by the Vice President for Student and Enrollment Services, serve on this committee. The Chair is the Vice President for Student and Enrollment Services, who serves in that capacity without a vote, with the **Associate Vice President and Chief Program Officer** serving in a resource capacity. The committee members will establish all procedures and actions generally following the principles of Robert's Rules of Order. A student, faculty or staff member initiates an investigation by this committee upon the presentation of a petition to the Vice President for Student and Enrollment Services. This petition must clearly state in writing the reasons for the request of an investigation. The committee will then conduct the investigation using resources and witnesses as it deems appropriate. A student may have an advisor present during the Academic Review Committee hearing. The advisor may not ask questions or speak to the committee members or witnesses. His or her role is to give guidance to the student when requested. An advisor may be removed or dismissed for being disruptive or not abiding by restrictions imposed. The Committee makes its findings based on the preponderance of the evidence standard.

A quorum shall consist of five out of seven committee members. The Committee will make its recommendation to the Vice President for Student and Enrollment Services. The Committee's recommendation is final and appeals may only be initiated to the Executive Vice President and Chief Financial Officer if additional information brought forth by the initiating individual indicates discrimination on the basis of age, sex, national origin, religion, disability or if there is substantial evidence that procedural due process was denied.

The appeal will then be heard by an independently appointed Appeal Committee designated by the Executive Vice President and Chief Financial Officer. This committee makes its recommendation to the Executive Vice President and Chief Financial Officer who makes the final decision regarding the appeal.

Student Affairs Committee

The Student Affairs Committee is an administrative hearing committee that investigates student affairs, including but not limited to, disciplinary issues. The committee's purpose is to investigate and make recommendations to the **Associate Vice President and Chief Program Officer**. Three faculty members and three students, appointed by the **Associate Vice President and Chief Program Officer**, serve on this committee. The Chair is the **Associate Vice President and Chief Program Officer**, who serves in that capacity without a vote with the Vice President for Student and Enrollment Services or his/her designee serving in a resource capacity.

The committee members will establish procedures and actions generally following the principles of Robert's Rules of Order. Any member of the College community may petition this committee to hear cases and questions concerning academic rules. The petition must be made within 30 calendar days of the alleged issue. A petition received after 30 calendar days will not be heard. The petition must clearly state in writing the reason for the request of an investigation. The **Associate Vice President and Chief Program Officer** shall convene the Student Affairs Committee no later than 15 business days (excluding holidays and academic breaks) after a request for an Academic Affairs Hearing. The committee will conduct the investigation using resources and other individuals or issues which may become a matter of the investigation. The Student Affairs Committee is an investigative and recommending group; it is not a judiciary body or court. Procedures and actions appropriate to a court are not necessarily appropriate to this group. This committee is one element in the established procedure for due process at Nash Community College. A Student may have an advisor present during the Academic Affairs Committee hearing. The advisor may not ask questions or speak to the committee members or witnesses. His or her role is to give guidance to the student when requested. An advisor may be removed or dismissed for being disruptive or not abiding by restrictions imposed. The committee makes its findings based on the preponderance of the evidence standard.

A quorum shall be the entire membership. The committee will make its recommendations to the **Associate Vice President and Chief Program Officer**. The Committee's recommendations are final and appeals may only be initiated to the **Executive Vice President and Chief Financial Officer** if additional information brought forth by the initiating individual indicates discrimination on the basis of age, sex, national origin, religion, disability or if there is substantial evidence that procedural due process was denied.

The appeal will then be heard by an independently appointed Appeal Committee designated by the **Executive Vice President and Chief Financial Officer**. This committee makes its recommendation to the **Executive Vice President and Chief Financial Officer** who makes the final decision regarding the appeal.

Procedure of Academic Review and Student Affairs Committees

The procedure below is the process that is followed for an Academic Review and/or Student Affairs Committee hearing. Procedural mistakes will not nullify the committee's decision unless the procedural mistakes were unduly prejudicial.

Any member of the College community who has requested an Academic Review or Student Affairs Committee hearing is entitled to the following:

- Communication setting forth the date, time, and location of the meeting
- Communication setting forth the individual's right to be accompanied by an advisor
- Communication stating the individual's right to have witnesses testify in their favor
- A list of the members on the Academic Review or Student Affairs Committee and the procedure for challenging the participation of a member for reasons of conflict of interest.

The Academic Review or Student Affairs Committee hearing shall be conducted as follows:

- Prior to the start of the hearing, all parties participating in the hearing shall sign a statement of confidentiality and nondisclosure.
- The reason for the hearing will be read.
- Parties giving testimony will sign an honesty statement.
- The complainant will be asked to present the facts that support his or her allegations that the student violated a provision of student affairs, student conduct, and or the College's academic rules.
- Following the completion of the complainant's testimony and at the conclusion of the presentation of witnesses (who have firsthand knowledge of the facts) by the complainant, the accused is invited to ask questions of that person directly or via the chair, at his or her discretion. Questions asked shall be intended to aid in the process of determining the facts set forth in the allegations.
- After the accused concludes his or her questioning, the members of the committee shall have the opportunity to ask questions.
- After questioning, the complainant is given the opportunity to explain or refute testimony.
- After the completion of the presentation of the facts by the complainant, the accused is called upon to present the facts and /or extenuating circumstances that he or she believes the committee should consider in determining the facts.
- Following the completion of the accused testimony and at the conclusion of the presentation of witnesses (who have first-hand knowledge of the facts) by the accused, the complainant is invited to ask questions of that person directly or via the chair, at his or her discretion. Questions asked shall be intended to aid in the process of determining the facts set forth in the allegations.
- After the complainant concludes his or her questioning, the members of the committee shall have the opportunity to ask questions.
- After questioning, the accused is given the opportunity to explain or refute testimony.
- After questioning, the respondent and complainant are given an opportunity to make closing remarks lasting no more than three minutes. The chair may allow additional time at his or her discretion.
- Following closing remarks, members of the Academic Review or Student Affairs Committee will meet in closed session to consider the preponderance of the evidence as to whether the accused was responsible for the allegations. The committee has up to 48 hours to make its determination.

- If the committee determines that the accused is responsible, it will proceed to make a recommendation for continued or new sanctions to be imposed.
- The Vice President for Student and Enrollment Services or his/her designee for the Academic Review Committee and the Associate Vice President and Chief Program Officer or his/her designee for the Student Affairs Committee will communicate to the accused the outcome of the hearing and when appropriate, the appeal process.

Attendance at the Academic Review or Student Affairs Committee Hearing

- Attendance is limited to the members of the committee, the complainant, the accused, and their respective advisor. Persons appearing as witnesses will only be asked into the room when making their individual presentation.
- The advisor may not ask questions or speak to the committee members or witnesses. His or her role is to give guidance to the respondent when requested. An advisor may be removed or dismissed for being disruptive or not abiding by restrictions imposed.
- The process may not be video or taped recorded.

Student or Club Dismissal, Suspension or Expulsion Authority

The President or his or her designee is authorized to use the College's Disciplinary Actions as stated in the Catalog for violations of the NCC Student Conduct regulations. Any student who impairs, impedes, or disrupts the Mission, processes, or functions of the College or who violates any provision of Student Code Conduct will be subject to disciplinary action. Students who encourage, counsel, instigate, or incite others to impede, impair, or disrupt the said mission, processes, procedures or functions of the College shall also be subject to the disciplinary action. If a student is expelled or suspended, he or she will be notified in writing of the following: (1) the nature of the Conduct Code violation(s), and (2) the appeal process.

Disciplinary Actions

The following disciplinary action or actions may be imposed by the Vice President for Student and Enrollment Services or his/her designee and Appeal Committee for violations of student or club conduct.

Admonition

A warning to the student that his or her behavior is objectionable and that if the pattern of behavior continues, the student will face disciplinary action up to and including suspension from the College. Verbal warnings shall be documented and included as evidence in the event of subsequent violations.

Reprimand

A written communication that gives official notice to the student that he or she has violated student conduct and that any subsequent violation of student conduct may result in a more severe disciplinary action.

General Probation

An individual may be placed on general probation when involved in a substantive disciplinary offense(s). General probation has two important implications: the individual is given a chance to show capability and willingness to observe the Student Conduct Code without further penalty. Secondly, subsequent offenses will result in disciplinary action. The probation will be in effect for no more than two semesters (excludes the summer semester).

Restrictive Probation

Restrictive probation results in loss of good standing, and notation of such is made in the individual's record. Restrictive conditions limit activity in the College community and access to College facilities. The individual will not be eligible for initiation into any local or national organization, and may not receive College awards or other honorary recognition. The individual is not eligible to occupy a position of leadership or responsibility with any College or student organization, publication, or activity. This probation will be in effect for not less than two semesters (excludes the summer semester). Any violation of restrictive probation may result in immediate suspension.

Restitution

Payment for damaged, misused, destroyed, or lost property belonging to the College, College personnel, or students.

Withholding

Transcript, diploma, or right to register shall be denied when financial obligations are not met.

Suspension

Suspension of a student from a Nash Community College class (traditional, online, hybrid, etc.), a College program of study, and/or all activities of the College for a stated period of time. Suspended students may return only after completing Readmitting Authorization (Form 1.2).

Expulsion

Dismissing a student from the campus of Nash Community College to include participation in College classes (traditional, online, hybrid, etc.) or a College program of study, and/or all activities of the College. The student loses matriculation status. Expelled students may apply for admission only after a minimum of two semesters and completing Readmitting Authorization (Form 1.2).

Student Group/Club Probation

Used for a College club or other organized group for a specified period of time. If group violations are repeated during the probationary period, the group's charter or authority to operate as a club may be revoked or activities restricted.

Student Group/Club Restriction

Used when removing College recognition during the semester in which the offense occurred or for a longer period (usually not more than two semesters). 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.

Student Group Charter Revocation

Removal of College recognition from a group, a club, a society, or other organizations for a minimum of two years. Reorganization or rechartering after the determined time must be approved by completing reinstatement requirements (Form 1.3).

Distance Learning Complaint Process for Out of State Students

Nash Community College desires to resolve student grievances, complaints and concerns in a prompt, fair and agreeable manner. Students residing outside of the State of North Carolina while attending NCC who desire to resolve a grievance should follow the College's Disciplinary Due Process Procedure. However, if an issue cannot be resolved internally, you may file a complaint with your State. The Student Grievance Contact Information for [Individual States](#) provides phone numbers, emails and/or links to state education agencies. NCC is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award the Associate in Arts, Associate in Science, Associate in General Education, and Associate in Applied Science degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Nash Community College.

Process for Resolving Complaints of Sexual Wrongdoing

Nash Community College is committed to providing a safe learning and working environment. In compliance with federal law, specifically the Jeanne Clery Act and the Campus Sexual Violence Elimination (SaVE) Act, Nash Community College has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. This process applies to students, faculty, and staff as well as contractors and visitors of Nash Community College.

Nash Community College will not tolerate sexual assault, domestic violence, dating violence, or stalking, as defined in any form. Such acts of violence are prohibited by Nash Community College, as well as state and federal laws. Violators of these types of behaviors are subject to penalties up to and including dismissal or separation from Nash Community College regardless of whether they are also facing criminal or civil charges in a court of law. The College will follow the following process in determining wrongdoing:

Initiating a Title IX Investigation

Any individual may start a Title IX investigation by the College against a student, faculty, staff, contractor and or visitors of the College community for violation of the Campus Sexual Violence Elimination Policy in writing to Human Resources Director, Title IX Coordinator (for

employees, contractors, visitors, etc.) or Larry Mitchell, Title IX Deputy Coordinator (for students). The formal complaint should include the following information:

- The name (s) of the accused or if not known a physical description (s)
- A statement explaining the circumstances of the complaint including a list of potential witnesses
- The names, addresses, and phone numbers of the complainant (s)

The written document must be signed by the individual initiating the complaint. Formal complaints will result in a Title IX investigation to determine, if established by the preponderance of the evidence, that the respondent violated any provisions of the Campus Sexual Violence Elimination Policy.

If a complainant withdraws their complaint, the Title IX Coordinator or Deputy Coordinator will evaluate whether sufficient evidence exists to start a Title IX investigation. The Title IX Coordinator or Deputy Coordinator may consider prior complaints by the complainant or prior complaints that have been made against the accused in making this determination. It is the Title IX Coordinator or Deputy Coordinator's decision to proceed in investigating the complainant after withdrawal, but the complainant's desire will be taken into consideration when making the decision. If the Title IX Coordinator or Deputy Coordinator decides not to proceed with the allegations because the complaint withdrew the complaint, a file will be maintained by the Title IX Coordinator, so the investigation can be re-opened if the complainant later decides to reinitiate the complaint, or if independent evidence of a sexual misconduct by the accused come to the College's attention, which the Title IX Coordinator or Deputy Coordinator determines merits re-opening the investigation. If the accused admits to a violation, the Title IX Coordinator or Deputy Coordinator may forego an investigation and refer the matter directly to the discipline process.

Timeframe for Filing a Formal Complaint

The College does not limit the timeframe for filing a Title IX complaint. However, complainants are encouraged to file a complaint as soon as possible in order to maximize the College's ability to investigate the matter and come to an appropriate determination of the facts. The College will not be able to pursue disciplinary action if an accused is no longer affiliated with the College.

Incomplete and Unofficial Reports

Any member of the College community may make a Sexual Violence Report involving a student or community member by bringing the report to the attention of the Title IX Coordinator, the Deputy Coordinator, any member of the Nash Community College Police Department (NCCPD) or any faculty or staff member. The initial report can be verbal, but a formal complaint must contain the information as stated in "Initiating a Title IX Investigation". When the Title IX Coordinator or Deputy Coordinator receives a report that a sexual violation has occurred and the report does not meet the formal reporting standards, the Title IX Coordinator, or the Deputy Coordinator with the assistance of the Sexual Assault Response Team will determine what steps need to be taken to gather additional details of the allegations.

If, after consultation with the Sexual Assault Response Team, the Title IX Coordinator or Deputy Coordinator determines additional information is warranted to proceed with a formal complaint, a College administrator will serve as the complainant. In making a final determination about proceeding with the formal complaint process, the Title IX Coordinator or Deputy Coordinator will consider the complainant's desire to proceed when making the decision. If the Title IX Coordinator or Deputy Coordinator decides not to proceed with the allegations, a file will be maintained by the Title IX Coordinator, so the investigation can be re-opened if the complainant later decides to reinitiate the complaint, or if independent evidence of a sexual misconduct by the accused comes to the College's attention, which the Title IX Coordinator or Deputy Coordinator determines merits re-opening the investigation. In all cases the Title IX Coordinator or Deputy Coordinator will consider the safety of the complainant or the College community before a final decision is made.

Temporary Action

If deemed necessary, upon receiving a formal complaint or incomplete and unofficial report, the Title IX Coordinator or Deputy Coordinator shall put temporary preventive actions in place. Temporary actions imposed may include, but are not limited to, no-contact guidelines, suspension, academic schedule changes and or a change in a workers work location. Any member of the College community who is involved in a Title IX investigation (complainant, accused and/or witnesses) may request temporary action to the Title IX Coordinator or Deputy Coordinator. The Title IX Coordinator or Deputy Coordinator may impose temporary actions based on the best interest of the College community.

Investigative Process

Once the Title IX Coordinator or Deputy Coordinator determines that a reported sexual assault should be investigated, the Title IX Investigator will be contacted to assist with the investigation. The Title IX Investigator in cooperation with the Title IX Coordinator or Deputy Coordinator will investigate the report and make the following determination: 1) determination of the facts of the allegations and 2) a conclusion as to whether the accused violated any of the provisions of the College's Sexual Assault policy. The standard of proof shall be by a preponderance of the evidence.

The Title IX Coordinator or Deputy Coordinator will meet with the complainant and accused individually. Both parties will be provided with written notification of the allegations of the Campus Sexual Violence Policy under investigation and that the allegations have been referred to the Title IX Investigator for investigation. Inquiries regarding the investigation process and or progress shall be referred to the Title IX Investigator.

The complainant and accused shall be advised that any behavior, on or off campus, that can be interpreted as retaliation against the complainant, witnesses or accused shall be grounds for immediate disciplinary action up to and including suspension or dismissal from Nash Community College. The complainant and accused shall be provided with a copy of the sexual assault complaint and advised that if they have questions concerning the policy or complaint process, they may contact the Title IX Coordinator (for employees, contractors, visitors, etc.) or Title IX Deputy Coordinator (for students).

The complainant and accused shall be advised that they may have an advisor present whenever they meet with the Title IX Investigator. An advisor may be removed or dismissed for being disruptive or not abiding by restrictions imposed. The College will not supply, pay or retain an attorney for any individual involved in a Sexual Assault Policy investigation. An advisor who accompanies a complainant or accused to a Title IX meeting with an investigator attends solely for the purpose of consultation and may not answer or ask questions.

The complainant and accused shall be advised of the following:

- They are permitted to submit a list of witnesses to the Title IX Investigator.
- They may submit pertinent documentary evidence to the Title IX Investigator (for example, text messages, emails, photographs).
- The importance of preservation of evidence (for example, text messages, emails, photographs).
- They have the option to request that the College take steps to prevent unwanted contact or communication with a member of the College community.
- The complainant has the option to contact the local law enforcement agency with jurisdiction over this matter and start a criminal investigation.
- The NCCPD will assist the complainant with making contact with local law enforcement agencies and will assist them with seeking restraining orders.

Circumstances permitting, the Title IX Investigator shall interview the complainant and summarize the interview in a written statement. The complainant will have the opportunity to review the statement and make comments. The Title IX Investigator shall include pertinent and clarifying comments into the complainant's statement. Confusing or conflicting comments that depart from the original will be noted by the Title IX Investigator. Additionally, the Title IX Investigator shall ask the complainant for the name, address, phone number and email address of witnesses.

Circumstances permitting, the Title IX Investigator shall interview the accused and summarize the interview in a written statement. The accused will have the opportunity to review the statement and make comments. The Title IX Investigator shall include pertinent and clarifying comments into the accused's statement. Confusing or conflicting comments that depart from the original will be noted by the Title IX Investigator. Additionally, the Title IX Investigator shall ask the accused for the name, address, phone number and email address of witnesses. The Title IX Investigator will evaluate if the temporary preventive actions implemented are appropriate and work with the Title IX Coordinator or Deputy Coordinator to ensure the accused is in compliance.

The Title IX Investigator will review the accused's College academic and/or personnel records to determine if there are previous allegations made against the accused that relate to the complainant's allegations. The accused will be provided with a copy of the disciplinary records that relate to the complaint.

Reasonable attempts will be made by the Title IX Investigator to interview witnesses identified on the witness list provided by the complainant and accused. Additionally, the Title IX Investigator will make every effort to identify witnesses by other sources. Written summaries of witness accounts as well as the statements given by the complainant and accused will form the basis of the Title IX Investigator's report.

The Title IX Investigator will consider and review all evidence, i.e. documentary, physical, and testimonial, submitted by the complainant or accused. The Title IX Investigator's report will describe his or her determinations concerning the relevance of the evidence being considered.

Additional examples of evidence include, but are not limited to:

- security camera footage
- medical records
- prior disciplinary history

The Title IX Investigator shall review all pertinent facts related to the investigation. Additional or follow up interviews may be necessary with the complainant, accused or witnesses to clarify statements. Supplemental reports will be written by the Title IX Investigator to document the conversations.

Before final conclusions are reached by the Title IX Investigator, a written draft report accompanied, by a summary of the evidence, shall be provided to the Title IX Coordinator or Deputy Coordinator for review. The Title IX Coordinator or Deputy Coordinator shall review the report and make additional suggestions as needed.

After the Title IX Coordinator or Deputy Coordinator's review, the Title IX Investigator shall allow both the complainant and accused and their advisor review a copy of the draft written report (without findings) under the supervision of the Title IX Coordinator, Deputy Coordinator or Title IX Investigator. During the review, clarification or comments may be provided. The complainant, the accused and their advisor or attorneys may not copy, photograph, and video tape or remove the draft report from the viewing location.

At the Title IX Investigator's discretion, relevant and revealing comments provided by the complainant or accused will be incorporated into the draft report. The Title IX Investigator will note significant changes from the original statement. If additional evidence is provided, the Title IX Investigator will incorporate the information into the written report. The additional evidence may be shared with the complainant or accused for remarks.

The Title IX Investigator's report will be finalized and conclusions drawn based on the preponderance of the evidence standard as to whether the accused violated the College's Sexual Assault Policy. The revised draft will be submitted to the Title IX Coordinator or Deputy Coordinator for final review. After final review, the Title IX Investigator's final draft report is prepared and submitted to the Title IX Coordinator or Deputy Coordinator for dissemination to the President's Executive Council (PEC). The President or designee shall determine if the draft report should be submitted to the College's attorney for review.

After the College's attorney and/or the President's Executive Council offers comments or suggestions, the Title IX Investigator should finalize the report and submit it to the Vice President for Student and Enrollment Services.

Within five business days of receiving the Title IX report, the Vice President for Student and Enrollment Services will send a letter via certified mail, return receipt requested, to the complainant and accused's last known address informing them of the Title IX Investigator's findings as to whether the accused more likely than not violated provisions of the College's Sexual Violence Policy.

If an accused was found not to be accountable for the alleged misconduct, the Vice President for Student and Enrollment Services letter to both parties will inform them of the complainant's right to appeal the decision on the basis of 1) information brought forth by the complainant indicates discrimination on the basis of age, sex, national origin, religion, or disability, 2) the complainant brings forth substantial evidence that procedural due process was denied, or 3) significant new (unknown) information has been discovered which substantially changes the facts of the allegations and may change the outcome of the investigation. The appeals process is stated below.

If the accused, by a preponderance of the evidence, was found more likely than not to be responsible for violation of the College's Sexual Violence Policy, the letter will notify both parties of those findings and provide information as to the discipline process. The discipline process is described below.

Discipline Process

If the accused was found to have more likely than not violated the College's Sexual Assault Policy, the Dean of Student and Enrollment Services shall call a meeting of the College's Intervention Team. The Intervention Team shall consist of the Vice President for Student and Enrollment Services, Vice President for Instruction and Chief Academic Officer, Associate Vice President and Chief Program Officer, NCC Chief of Police and/or Dean of Continuing Education (if a Continuing Education or College & Career Readiness student was involved). The Intervention Team shall be chaired by the NCC Chief of Police.

The Chair of the Intervention Team shall make available to the members a copy of the following documents: 1) Title IX Investigator's findings and conclusions, and 2) accused's prior disciplinary record, if any. The Intervention Team shall be instructed that they are meeting for the sole purpose of determining the appropriate disciplinary action to impose on the accused and not for the purpose of examining or challenging the Title IX Investigator's findings and conclusions.

The Intervention Team, after discussion, shall place in writing the disciplinary action imposed. Within two (2) business days, the Vice President for Student and Enrollment Services shall notify the complainant and respondent via certified mail, return receipt requested, to the last

known addresses informing them of the disciplinary action imposed. The communication shall also inform both parties of the right to an appeal.

Sanctions Resulting From a Disciplinary Proceeding

The College has the option of imposing the following sanction or sanctions when a respondent is found more likely than not (preponderance of the evidence standard) to have violated the College's Sexual Assault Policy.

Suspension

Suspension of a student from a Nash Community College class (traditional, online, hybrid, etc.), a College program of study, and/or all activities of the College for a stated period of time. Suspended students may petition the College for readmission only after completing Readmitting Authorization (Form 1.2).

Expulsion

Dismissing a student from the campus of Nash Community College to include participation in College classes (traditional, online, hybrid, etc.) or a College program of study, and/or all activities of the College. The student loses matriculation status. Expelled students may petition for readmission only after a minimum of two semesters and completing readmitting authorization (Form 1.2).

Restitution

Payment for damaged, misused, destroyed, or lost property belonging to the College, College personnel, or students.

Withholding

Transcript, diploma, or right to register shall be denied when financial obligations are not met.

The Appeal Process

The complainant has seven (7) business days after notification that the College found that the accused did not violate any provisions of the Sexual Violence Policy to submit a written appeal to the Vice President for Student and Enrollment Services. The complainant and accused shall have seven (7) business days after receiving notice of the disciplinary action imposed to submit an appeal to the Vice President for Student and Enrollment Services who will forward the appeal to the Executive Vice President and Chief Financial Officer. The sole grounds for an appeal are: 1) if information is brought forth by the complainant that indicates discrimination on the basis of age, sex, national origin, religion, disability, 2) the complainant brings forth substantial evidence that procedural due process was denied or 3) significant new (unknown) information has been discovered which substantially changes the facts of the allegations and may change the outcome of the investigation. Within ten (10) business days and after the review for the request of an appeal, the Executive Vice President and Chief Financial Officer shall notify both parties that the appeal has been granted or rejected.

If the Executive Vice President and Chief Financial Officer grants the appeal, it will then be heard by an independently appointed appeal committee designated by the Executive Vice President and Chief Financial Officer. The committee will make its recommendation to the Executive Vice President and Chief Financial Officer who makes the final decision regarding the appeal.

Amnesty

The College recognizes that students who have been using drugs or alcohol at the time of a sexual assault or incident may be reluctant to make a report because of the potential disciplinary consequences. Any student who reports a sexual assault, either as a complainant or a third-party witness, will not be subjected to disciplinary action by the College for their own consumption of alcohol or drugs at the time of the incident. This is provided that the violation did not place a person in danger or jeopardy at the time of the incident and the allegations were not unfounded.

Family Educational Rights and Privacy Act of 1974 (FERPA)

Compliance with these provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).