

# STUDENT INFORMATION

## Student Rights and Responsibilities

South Piedmont Community College has established a Student Code of Conduct to promote a positive and safe learning environment for all students. Students and/or student clubs and organizations are responsible for knowing and complying with the information, policies, and procedures outlined in the Student Code of Academic Conduct and the Student Code of Behavioral Conduct in Student Rights and Responsibilities. The student conduct process is not intended to punish students; rather, it exists to protect the interests of the college community and to guide and educate students whose actions are not consistent with South Piedmont Community College policies. Any student is entitled to due process, including the right of appeal and a fair hearing, as outlined in the Student Code of Conduct.

To report a conduct behavior violation, use the Conduct Violation [Reporting Form](#), located at [www.spcc.edu](http://www.spcc.edu), under Student Panel, Reporting Forms, Student Behavioral Conduct Violation Reporting Form.

To appeal a conduct violation, use the Formal [Appeal Form](#), which can be accessed at [www.spcc.edu](http://www.spcc.edu), under Student Panel, Appeal Forms, Formal Appeal for Student Code of Behavioral Conduct Violation. Additional student appeal forms are also located on this page of the website. Those include Formal Appeal for Academic Integrity Violation, Formal Appeal of Final Course Grade, Formal Appeal for Program Dismissal, Formal Appeal for Denial of Admissions into Selective Programs, and Formal Complaint-Appeal of Grievance Finding.

## Student Codes of Conduct (Academic and Behavioral)

South Piedmont Community College (SPCC) is an institution of higher education whose mission is to foster lifelong learning, student success, and workforce and community development. The College celebrates learning as the process that changes and improves lives and promotes the value-driven culture of quality, service, stewardship, and respect. These values serve to guide decisions and to foster lifelong learning. Standards of acceptable behavior for students and student clubs and organizations are reflected in the Student Code of Academic Conduct, the Student Code of Behavioral Conduct, and other college policies. Standards of conduct are set forth to assist the college in furthering its mission and values.

Upon enrollment and through the actual awarding of a certificate, diploma, and/or degree, or the completion of a workforce development program, a non-credit program/class, or a College and Career Readiness Program, and as long as the student continues to be enrolled at the College, students have the responsibility to uphold the rules and values of the college, and the right to a fair and equitable conduct process. Students and/or student clubs and organizations are responsible for knowing and complying with the information, policies, and procedures outlined in the Student Code of Academic Conduct and the Student Code of Behavioral Conduct. The student conduct process is not intended to punish students; rather, it exists to protect the interests of the college community and to guide and educate students whose actions are not consistent with South Piedmont Community College policies.

## Student Rights

- Students shall enjoy all the rights and privileges guaranteed to individuals by the Constitution of the United States and by the State of North Carolina.
- Students are free to pursue their educational goals through appropriate opportunities for learning. Student performance will be evaluated on an academic basis not on opinions or conduct in manners unrelated to academic standards.
- Students have the right to freedom of expression, inquiry, and assembly without restraint or censorship subject to reasonable and non-discriminatory rules and regulations regarding time, place, manner, and subject.
- Students have the right to inquire about and to propose improvements in policies, regulations and

procedures affecting the welfare of students through established student government procedures.

- The Family Educational Rights and Privacy Act (FERPA) of 1974 provides safeguards regarding the confidentiality of and access to student records. Students and former students have the right to review their official records and to request a hearing if they challenge the contents of these records. Other than directory information, no records shall be made available to unauthorized personnel or groups inside or outside of SPCC without written consent of the student involved, except under legal compulsion. SPCC adopts general guidelines for release of student records to officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34 (§99.31(a)(2)).
- No disciplinary sanction other than removal from class or activity (only for duration of said activity) may be imposed upon any student without due process-including notice, an appeal, and a fair hearing.

The goals of the Student Code of Academic Conduct and the Student Code of Behavioral Conduct processes are:

- To promote a campus environment that supports the overall educational mission of the college
- To promote a campus environment that supports the health and safety of the SPCC community
- To minimize disruption and harm in the SPCC community
- To foster ethical standards and civic virtues
- To promote the values of the college
- To provide formal and informal pathways for members of SPCC to hold each other accountable
- To facilitate the acquisition of the essential skills, knowledge, and values necessary for the success of educated and responsible citizens
- To encourage appropriate standards of individual and group behavior
- To sustain a culture in which students and student organizations accept their obligations to the SPCC campus community and in which well-defined governance procedures guide behavior for the common good

### **Jurisdiction and Authority**

1. Any student, upon acceptance to any SPCC program or class, is expected to abide by college policies and is subject to academic and behavioral conduct action by the college upon violation of either of the student codes of conduct. Students enrolled with partnering agencies are also susceptible to the codes of conduct of those agencies. Partnering agencies may choose to involve members of the SPCC administration to resolve a violation of the SPCC Student Code of Behavioral Conduct and/or a student violation of the partnering agency's code.
2. A SPCC student club/organization is expected to abide by college policies and is subject to conduct action by the college upon violation of the Student Code of Behavioral Conduct.
3. The Vice President of Academic and Student Affairs/CAO, or designee, has the primary responsibility and general authority for the administration of the Student Code of Academic Conduct.
4. The Associate Vice President of Student Affairs, or designee, has primary responsibility and general authority for the administration of the Student Code of Behavioral Conduct.
5. Alleged acts that may constitute violations of the college's Sex Discrimination and Harassment (Title IX) Policy or any other policies referencing discrimination will be the responsibility of the Director of Student Advocacy and Accountability/Title IX Coordinator.
6. The student conduct process may be initiated in response to a student's or student club's/organization's behavior which allegedly violates the Student Code of Behavioral Conduct. Determinations made or conduct outcomes imposed under this Student Code of Behavioral Conduct shall not be subject to change because criminal or civil charges arising out of the same

fact pattern were dismissed, reduced, or resolved in favor of or against the student.

7. The student codes of conduct shall be reviewed every year under the Associate Vice President of Student Affairs. Failure to conduct this review shall not invalidate any portion of the student codes of conduct.
8. If a student club/organization is accused of violating the Student Code of Behavioral Conduct, the processes outlined in this document will be utilized to determine if a club/organization is responsible or not responsible. The club's/organization's actions will be assessed to determine the club/organization's role in:
  - a. Negligently allowing behavior. The club/organization did not follow policies and procedures which could have prevented the violation of the Student Code of Behavioral Conduct.
  - b. Condoning behavior. The student club/organization did not take steps to prevent the behavior that violates the Student Code of Behavioral Conduct.
  - c. Facilitating behavior. The student club/organization coordinated or was an active player in the violation of the Student Code of Behavioral Conduct.
9. The student codes of conduct shall apply to a student's or student club's/organization's behavior which takes place in the following areas or situations:
  - a. College premises
  - b. College-sponsored activities away from the college premises
  - c. Events/functions whether officially approved or considered by a reasonable person to be hosted by a student club/organization
10. The Student Code of Behavioral Conduct shall apply to a student's or club's/organization's behavior wherever it occurs in any of the following circumstances:
  - a. Threatening and/or committing physical violence against another person (assault, assault and battery, assault with a dangerous weapon, or harassment)
  - b. Participating in harassment of any SPCC member to include students, faculty, staff, guests
  - c. When there is substantial information that the student's or student club's/organization's continued presence at the college is potentially dangerous to the health, safety, and/or property of the college community, whether public authorities have brought charges or imposed penalties or not
  - d. Furnishing false information to the college
  - e. Forgery, alteration, or misuse of college documents, records, or identification cards for non-academic purposes
  - f. Violation of a previously issued no contact directive
  - g. When the student's or student club's/organization's behavior adversely affects the college community and/or the pursuit of the college's mission and values

### **Student Code of Academic Conduct**

In fulfillment of obligations to the college community, each SPCC student is expected to comply with the Student Code of Academic Conduct. Therefore, students are prohibited from engaging in any conduct that materially or adversely affects the educational process including, but not limited to, the following:

1. Violation of Academic Integrity Policy
  - a. Cheating is an attempt to use or actual use of unauthorized materials in any format to complete an academic exercise. Cheating also includes the communication of unauthorized information during an academic activity or exercise. Cheating includes but is not limited to, copying another student's homework, class work, or required project (in part or in whole) and presenting it to the instructor as one's

- own work; or giving, receiving, offering, and/or soliciting information on a quiz, test, examination, or other academic exercise.
- b. Plagiarism is the copying of any published work such as books, magazines, audiovisual programs, electronic media, and films, or copying the theme or manuscript of another individual.
  - c. Self-plagiarism is the unauthorized use of one's own previous work without the express permission of both the instructor to whom the previous work was submitted and the instructor to whom the work currently is being submitted.
  - d. Fabrication/falsification is an attempt to deceive the instructor in their effort to fairly evaluate an academic exercise.
  - e. Complicity in academic dishonesty refers to intentionally giving unauthorized assistance to someone else who engages in academic dishonesty.
2. Violation of program specific guidelines as outlined in program handbooks and distributed materials.

### **Student Code of Behavioral Conduct**

In fulfillment of obligations to the college community, each SPCC student and student club/organization is expected to comply with the Student Code of Behavioral Conduct. Therefore, students are prohibited from engaging in any conduct that materially or adversely affects the educational process including, but not limited to, the following:

1. Physical abuse, verbal abuse, threats, intimidation, harassment, stalking, coercion, and/or other behavior, which threatens or endangers the health and/or safety of any person.
2. Disrespectful behavior toward faculty, staff, students, external partners.
3. Hate speech, libel, or slander or any other communication or expression designed to incite violence.
4. Social media posts (private and public) which negatively impact the college, students, faculty, staff, and external partners.
5. Trespass, which includes unauthorized entry into any office or building or other college property on college premises.
6. Vandalism, malicious or negligent destruction, damage, or misuse of college or public property on college premises.
7. Theft, larceny, or embezzlement of the property of another person, the college, or another entity.
8. Occupation or seizure in any manner of college property, a college facility, or any portion thereof for use inconsistent with prescribed, customary, or authorized use.
9. Unauthorized use of college computer facilities and/or resources including but not limited to copyright infringement and misuse of accounts.
10. Disruption of and/or interference with college academic or administrative activities and/or unauthorized occupation of facilities on college premises.
11. Engaging in conduct, activity, or behavior that is disruptive to physical or virtual classroom instruction to include, but not limited to, social media, cell phone use, etc.
12. Intentional setting off a fire alarm, using or tampering with any safety equipment on college premises or at college-sponsored events.
13. Conduct that is disorderly, lewd, or indecent, on physical or virtual college premises or at college-sponsored functions; breach of peace or aiding, abetting, or procuring another person to breach the breach peace. (This regulation does not prohibit peaceful assembly.)
14. Misconduct of a sexual nature that does not meet Title IX definitions.
15. Mental or physical abuse of any person on physical or virtual college premises or at college-sponsored events including verbal or physical actions, which threaten or endanger an

individual's health or safety.

16. Intentional obstruction or disruption of teaching, administration, or other college activities, including public service functions and other duly authorized activities on college premises or at college-sponsored events.

#### Violation of the Drug and Alcohol Policy

- a. Manufacture, sale, use, distribution, or possession of and/or driving under the influence of narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other similar known drugs and/or drug paraphernalia and/or other chemicals.
  - b. Public intoxication, and/or manufacture, sale, misuse, distribution, possession of alcoholic beverages or liquors.
1. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals in a manner that harms, threatens, or causes fear to others.
  2. Smoking, vaping, e-cigarettes and/or other forms of tobacco products on college premises or at college-sponsored events.
  3. Violation of college regulations regarding the operation and parking of motor vehicles.
  4. Forgery, alteration, or misuse of college documents, records, or instruments of identification with intent to deceive.
  5. Fiscal irresponsibility such as failure to pay college-levied fines, or the passing of worthless check to college officials.
  6. Violation of a local, state, or federal criminal law on college premises adversely affecting student's pursuit of their proper educational purposes.
  7. Abuse of the Student Code of Behavioral Conduct including:
    - a. Intentionally initiating or causing to be initiated any false report or complaint.
    - b. Attempting to coerce or discourage an individual's participation in or use of student conduct procedures.
    - c. Intentional obstruction or disruption of disciplinary proceedings.
    - d. Attempting to influence the impartiality of a student conduct procedure.
    - e. Verbal and/or physical intimidation and/or retaliation of any party to student conduct proceedings prior to, during, and/or afterwards.
    - f. Committing a violation of college policy while on conduct probation and/or failing to meet deadlines imposed in accordance with college policy.
    - g. Influencing or attempting to influence another person to abuse the Student Code of Behavioral Conduct procedures.
    - h. Failing to abide by any conduct outcome as assigned through the Student Code of Behavioral Conduct procedures.

**These Student Codes of Conduct are not all inclusive. Other conduct that is disruptive or does not follow proper procedure may be subject to appropriate sanctions.**

#### Student Code of Academic Conduct Procedure and Appeals

##### *Academic Integrity Procedure*

It is the student's responsibility to learn more about how to avoid academic dishonesty. If upon investigation the instructor determines there is an academic integrity violation, the student will be held accountable as stated below:

1. The instructor, after consulting with their supervisor, will notify the student in writing of the details of the academic integrity violation, which may include a formal warning, a reduced grade on an assignment, or a reduced grade in the course.

2. The instructor will send the student's name along with detailed evidence and documentation of the violation to their supervisor, Dean, and the Assistant to the Vice President of Academic and Student Affairs/CAO to be added to the student's permanent academic record.
3. The Assistant to the Vice President of Academic and Student Affairs/CAO will notify the appropriate Dean if there are previous documented offenses in the student's file. The Dean will determine the disciplinary action for the violation. Sanctions range from the minimum of a reprimand to a maximum of suspension depending on the severity and number of violations.
4. The Dean will notify the student in writing electronically of the disciplinary action for the violation. Notification will be sent to the student's college email address. A copy of the disciplinary action letter will be sent to the Vice President of Academic and Student Affairs/CAO, and the Assistant to the Vice President of Academic and Student Affairs/CAO to be added to the student's permanent academic record.

#### *Academic Integrity Appeal Procedure*

Students may appeal the academic integrity violation and/or the disciplinary action resulting from the violation, if the reason for the appeal meets one of the following: policy and/or procedure were not followed or procedural irregularity that affected the outcome; sanction too severe for the charge; evidence of a conflict of interest or bias that affected the outcome; or, new evidence that was not reasonably available at the time of the determination that could affect the outcome. Student should appeal using the procedure below. Failure to follow the procedure will result in forfeiture of the appeal. Students needing assistance in navigating the appeal procedure should contact the Director of Student Advocacy and Accountability for guidance. Once the appeal is received, the appeal is reviewed by the Associate Vice President of Student Affairs to ensure the reason for the appeal meets the criteria for an appeal. Requests that do not meet the criteria for an appeal may be denied without input from the Student Appeals Team. Requests that meet the criteria for an appeal are forwarded to the Student Appeals Team for a hearing.

1. A formal appeal of the academic integrity violation and/or the disciplinary action must be received within five (5) business days after the notification to the student of the violation. This appeal may be submitted through the Formal Academic Integrity Appeal form found [here](#) and also located on the [www.spcc.edu](http://www.spcc.edu) website under Student Panel/Appeal Forms. This form must be completed in its entirety. All documentation supporting the reason for the appeal, including emails, any corrective action being requested, etc., must be attached to the appeal form. Incomplete or insufficient documentation will forfeit the appeals process. (Students needing assistance with completing the form may contact the Assistant to the Vice President of Academic and Student Affairs/CAO or the Director of Student Advocacy and Accountability.) The student will receive notification of receipt of the appeal.
2. Within ten (10) business days of receipt of the appeal, the Student Appeals Team will review the appeal through a hearing. The student and the instructor will be notified of the date, time, and location of the hearing, whether to be held in person (on campus), by conference call (on the phone), or virtually (video conferencing with a call-in option). Both parties may present pertinent information. At the discretion of the Student Appeals Team, other pertinent individuals may be contacted for additional information, either in person, by conference call, or virtually.
  - a. The appeal meeting is a conflict resolution and not a judicial proceeding. The student may not record this meeting but may take notes.
3. The Vice President of Academic and Student Affairs/CAO will notify the student (by student SPCC email) and the instructor (by SPCC email) of the decision on the appeal within five (5) business days after the review. The decision of the Student Appeals Team will be final.

The Student Appeals Team is a standing team appointed by the Vice President of Academic and Student Affairs/CAO and will consist of five (5) voting members to include representatives from faculty, staff, and the student body. (The student representative will be selected from a pool of student leaders within the college.)

#### *Violation of Program Specific Guidelines: Program Dismissal Appeal Procedure*

Students who have been dismissed from an academic program due to reasons other than charges of a violation of academic integrity and a final grade may appeal, if the appeal meets one of the following: policy and/or procedure were not followed or procedural irregularity that affected the outcome; sanction too severe for the charge; evidence of a conflict of interest or bias that affected the outcome; or, new evidence that was not reasonably available at the time of the determination that could affect the outcome. Students should appeal using the procedure below. Failure to follow the procedure will result in forfeiture of the appeal. Students needing assistance in navigating the appeal procedure should contact the Director of Student Advocacy and Accountability for guidance. Once the appeal is received, the appeal is reviewed by the Associate Vice President of Student Affairs to ensure the reason for the appeal meets the criteria for an appeal. Requests that do not meet the criteria for an appeal may be denied without input from the Student Appeals Team. Requests that meet the criteria for an appeal are forwarded to the Student Appeals Team for a hearing.

1. A formal appeal of the program dismissal must be received within three (3) business days after the dismissal. This appeal must be submitted through the Formal Appeal for Program Dismissal form found [here](#) and also located on the [www.spcc.edu](http://www.spcc.edu) website under Student Panel/ Appeal Forms. This form must be completed in its entirety. All documentation supporting the reason for the appeal, including emails, any corrective action being requested, etc., must be attached to the appeal form. Incomplete or insufficient documentation will forfeit the appeal process. (Students needing assistance with completing the form may contact the Assistant to the Vice President of Academic and Student Affairs/CAO or the Director of Student Advocacy and Accountability.) The student will receive notification of receipt of the appeal.
  - a. Upon the receipt of the appeal, the student will be placed on the status of dismissal pending. While in this status, the student may not attend any program activities (classroom, clinical, lab or club activities).
2. Within three (3) business days of the receipt of the appeal, the Student Appeals Team will review the appeal. The student and the instructor will be notified of the date, time, and location of the hearing. The location may be in person (on campus), by conference call (on the phone), or virtually (video conferencing with a call-in option). Both parties may present pertinent information. At the discretion of the Student Appeals Team, other pertinent individuals may be contacted for additional information, either in person, by conference call, or virtually.
  - a. The appeal meeting is a conflict resolution and not a judicial proceeding. The student may not record this meeting but may take notes.
3. The Vice President of Academic and Student Affairs/CAO will notify the student (by student SPCC email) and the instructor (by SPCC email) of the decision on the appeal within three (3) business days after the review. The decision of the Student Appeals Team is final.

The Student Appeals Team is a standing team appointed by the Vice President of Academic and Student Affairs/CAO and will consist of five (5) voting members to include representatives from faculty, staff, and the student body. (The student representative will be selected from a pool of student leaders within the college.)

### Student Code of Behavioral Conduct Procedures and Appeals

#### *Disciplinary Procedures:*

1. Any administrative official, faculty member, or student may file charges, by submitting a written statement, with the Associate Vice President of Student Affairs, against any student or student club/organization for violations of college regulations. The individual(s) making the charge should include in the written statement:
  - b. Name of student(s) involved
  - c. Specific conduct in question
  - d. Description of the incident(s), including the time, place, and date of the incident(s)
  - e. Any action taken that relates to the matter
  - f. Desired solution(s)

2. Within ten (10) working days after the charge is filed, the Director of Student Advocacy and Accountability, in conjunction with the Director of Safety and Security (or designee), shall complete a preliminary investigation of the charge, which shall include a conference with the student(s). Conferences may be held in person, over the phone or virtually. During the conference with the Director of Student Advocacy and Accountability and the Director of Safety and Security (or designee), the student shall be confronted with the evidence against them and shall be given the opportunity to respond.
3. In instances where the student cannot be reached to schedule an appointment with the Director of Student Advocacy and Accountability or where the student refuses to cooperate, the Associate Vice President of Student Affairs shall send a certified letter to the student's last known address, which shall inform the student of the charges, the results of the preliminary investigation, the Associate Vice President of Student Affairs' decision, and the information pertaining to the appeals process.
4. In instances where the student can be reached to schedule an appointment with the Director of Student Advocacy and Accountability and a preliminary investigation has been held and within ten (10) working days after the charge is filed, the Associate Vice President of Student Affairs shall send the student a decision by SPCC email and/or by U.S. postal mail, return receipt requested. The decision shall include a statement of the Associate Vice President of Student Affairs' determination of whether the student violated the Student Code of Behavioral Conduct.
  - a. If the determination is that the student has violated the Student Code of Behavioral Conduct, the decision shall include:
    - i. Statement of the specific provision(s) of the Student Code of Behavioral Conduct that has been violated.
    - ii. Statement of sanctions imposed.
    - iii. Statement of the student's right to appeal the decision.
    - iv. Instructions governing the appeals process.
  - b. If the Associate Vice President of Student Affairs determines that the student did not violate a provision of the Student Code of Behavioral Conduct, then the decision shall state that the charge has been dismissed.
  - c. The Associate Vice President of Student Affairs shall send a copy of the statement of the charge and the decision, via SPCC email accounts, to the student, the Director of Student Advocacy and Accountability, the Director of Safety and Security, and the Vice President of Academic and Student Affairs/Chief Academic Officer (CAO).

**Sanctions:**

- **Reprimand:** A written communication which gives official notice to the student that they have violated the Student Code of Behavioral Conduct, and any subsequent violation of the Student Code of Behavioral Conduct may carry heavier penalties because of this infraction.
- **General Probation:** An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: (1) the individual is given a chance to show their capability and willingness to observe the Student Code of Behavioral Conduct without further penalty; and (2) if they err again, the additional sanction will be imposed for this violation. This probation will be in effect for no more than two (2) semesters.
- **Restrictive Probation:** Restrictive Probation results in loss of good standing, and notation of such is made in the student's record. Restrictive conditions may limit activity in the physical and virtual South Piedmont Community College community. Generally, the individual will not be eligible for initiation into any local or national organization and may not receive any college award or other honorary recognition. The student may not occupy a position of leadership or responsibility with any college or student club/organization, publication, or activity. This probation will be in effect for not less than two (2) semesters. Any violation of Restrictive Probation may result in immediate suspension.



- **Program Dismissal:** Dismissing a student from an academic program (credit or non-credit) in which the student loses status in that program. A student may or may not be dismissed from the college. Students may apply to the program for a future semester, however, application does not guarantee acceptance into the program. The student must meet all admissions criteria and expectation of the program.
- **Restitution:** Paying for damaging, misusing, destroying, or losing property belonging to South Piedmont Community College, college personnel, or students.
- **Emergency Suspension:** Exclusion from class and/or other privileges or activities as set forth in the notice, until a final decision has been made concerning the alleged allegations.
- **Loss of Academic Credit or Grade:** Imposed as a result of academic dishonesty (Determined by the Academic Dean or the Student Appeals Team)
- **Withholding diploma or right to register:** Imposed when financial obligations have not been met.
- **Suspension:** Exclusion from class(es) and/or all other privileges or activities of South Piedmont Community College for a specific period of time. This sanction is reserved for those offenses warranting discipline more severe than probation, or for repeated misconduct. Students who receive this sanction must get specific written permission from the Associate Vice President of Student Affairs before returning to campus.
- **Expulsion:** Dismissing a student from campus for an indefinite period. The student loses their student status. The student may be readmitted to South Piedmont Community College only with the approval of the Vice President of Academic and Student Affairs/CAO.
- **Group Probation:** This is given to a college club/organization for a specific period of time. If group violations are repeated during the term of the probation, the charter may be revoked or activities restricted.
- **Group Restriction:** Removing college recognition during the term in which the offense occurred or for a longer period (usually not more than one additional semester). While under restriction, the group may not seek or add members, hold or sponsor events in the physical or virtual college community, or engage in other activities as specified.
- **Group Charter Revocation:** Removal of college recognition for a club/organization for a minimum of two (2) years. Re-charter after that time must be approved by the Associate Vice President of Student Affairs.

#### *Appeals Procedure:*

Students who have been charged with violating the Student Behavioral Code of Conduct and have been issued a sanction may appeal using the procedure below. Failure to follow the procedure will result in forfeiture of the appeal. Students needing assistance in navigating the appeal procedure should contact the Assistant to the Vice President of Academic and Student Affairs/CAO or the Student Affairs Coordinator for guidance. Once the appeal is received, the appeal will be reviewed by the Vice President of Academic and Student Affairs/CAO to ensure the reason for the appeal meets the criteria for an appeal. Requests that do not meet the criteria for an appeal may be denied without input from the Student Appeals Team. Requests that meet the criteria for an appeal are forwarded to the Student Appeals Team for a hearing.

1. A student may submit a formal appeal of the Code of Behavioral Conduct violation if the appeal meets one or more of the following: (1) the sanction issued by the Associate Vice President of Student Affairs is too severe for the charge, (2) the Associate Vice President of Student Affairs did not follow published policy and procedures, or (3) there is evidence of a conflict of interest. The appeal must be received within five (5) business days after notification to the student of the violation and/or sanction. This appeal must be submitted through the Formal Student Code of Conduct Violation Appeal form found [here](#) and also on the [www.spcc.edu](http://www.spcc.edu) website under Student Panel/Appeal Forms. This form must be completed in its entirety. All documentation supporting the reason for the appeal, including emails, any corrective action being requested, etc., must be attached to the appeal form. The request for a hearing must also be attached

and include those faculty and/or staff to whom the student objects and the reasons why the student objects to those persons reviewing the charges against them. Incomplete or insufficient documentation will forfeit the appeals process. (Students needing assistance with completing the form may contact the Assistant to the Vice President of Academic and Student Affairs/CAO or the Student Affairs Coordinator.) The student will receive notification of receipt of the appeal. The hearing will be held in person (on campus), by conference call (on the phone), or virtually (video conferencing with call-in option).

2. Within ten (10) business days after receiving the request for a hearing, the Student Appeals Team will review the appeal. The student and the Associate Vice President of Student Affairs will be notified of the date, time, and location of the hearing, whether it will be in person, by conference call, or virtually. Both parties may present pertinent information. At the discretion of the Student Appeals Team, other pertinent individuals may be contacted for additional information, either in person, by conference call, or virtually.
  - a. The Student Appeals Team meeting is a conflict resolution and not a judicial proceeding. The student may not record this meeting but may take notes.
  - b. Minors, under the age of 18, may be accompanied by one parent/legal guardian. The parent/legal guardian may not be active in the meeting discussions.
3. During the preliminary hearing:
  - a. The Associate Vice President of Student Affairs shall provide the team and the student with a written statement of charges against the student.
  - b. The team shall set a date and time for the hearing, no later than five (5) business days from the date of the preliminary hearing.
  - c. The team shall provide the student with a statement of their basic procedural rights.
  - d. The Associate Vice President of Student Affairs and the student shall exchange any documents they expect to present to the Student Appeals Team.
  - e. The Associate Vice President of Student Affairs and the student shall provide names and contact information (email, phone number, mailing address) of their witness(es) to the team, and only to the team. Witness(es) contact information should not be shared with the Associate Vice President nor with the student.
  - f. The student shall provide the team with a current address and phone number.
  - g. Members of the team shall inform the parties of any facts that could reasonably affect their ability to give the parties a fair hearing. If either party objects to the continued service of such member or any member of the team concurs in that objection, then such member shall resign from the team. Within one (1) business day, the Vice President of Academic and Student Affairs/CAO shall appoint a new member to the team. The new team member shall be subject to the same qualifications and obligations as the original team members.
4. The Student Appeals Team shall guarantee the student the following basic procedural rights (due process):
  - a. The right to specific written notice of the charges.
  - b. The right to present relevant evidences and witnesses in their defense.
  - c. The right to a hearing before an impartial Student Appeals Team.
5. The hearing before the Student Appeals Team shall be confidential and shall be closed to all persons except the following:
  - a. The student, the Associate Vice President of Student Affairs, and witness(es).
    - i. All witnesses shall give testimony singularly and in the absence of other witnesses; and
    - ii. All witnesses shall leave the team meeting room immediately upon completion of their testimony.

- b. The hearing will be recorded. Recordings will become the property of South Piedmont Community College, and the Vice President of Academic and Student Affairs/CAO will determine access to them. All recordings will be filed in the office of the Vice President of Academic and Student Affairs/CAO.
- c. The team shall have the authority to adopt supplementary rules of procedure consistent with this policy.
- d. The team shall have the authority to render written advisory opinions concerning the meaning and application of this policy.
- e. Within two (2) days of completion of a hearing, the team shall meet in executive session to decide whether there has been a violation of a Student Code of Behavioral Conduct; and if so, to recommend sanctions.
- f. Decisions of the team shall be based upon a preponderance of the evidence as determined by a majority of the team.
- g. The decision of the team shall be in writing and contain at least:
  - i. A statement of the specific provision of the Student Code of Behavioral Conduct that the student violated and a description of the facts supporting that conclusion; and
  - ii. A statement of the sanction which may or may not be greater than the sanction imposed by the Associate Vice President of Student Affairs; or
  - iii. A statement that the charges were not proven by a preponderance of the evidence.
- h. The Vice President of Academic and Student Affairs/CAO will notify the student (by the student's SPCC email) and the Associate Vice President (by SPCC email) of the decision on the appeal within five (5) business days after the review.
- i. The decision of the Student Appeals Team shall be final, unless (1) there is evidence the team did not follow published policy or procedure or (2) there is evidence the team presented a conflict of interest. Should this evidence be presented, the Vice President of Academic and Student Affairs/CAO will review all documentation presented and render a final decision.

The Student Appeals Team is a standing team appointed by the Vice President of Academic and Student Affairs/CAO and will consist of five (5) voting members to include representatives from faculty, staff, and the student body. (The student representative will be selected from a pool of student leaders within the college.)

## **Title IX (Sex Discrimination and Harassment)**

The U.S. Department of Education's Office of Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972 that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

South Piedmont Community College (South Piedmont) prohibits discrimination and harassment on the basis of sex and strongly encourages the prompt reporting of, and is committed to timely and fair resolution of, complaints of sex discrimination and harassment. Sexual harassment as defined by Title IX includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. South Piedmont addresses complaints of Title IX using its Title IX Sexual Harassment [Grievance Procedures](#) on our website at [www.spcc.edu](http://www.spcc.edu) under Students, Title IX.

The college encourages students to immediately report any instances of Title IX. To report a Title IX complaint, use the [Title IX Sex Discrimination and Sexual Harassment form](#), which can also be found at [www.spcc.edu](http://www.spcc.edu) under Student Panel, Reporting Forms, Title IX Sex Discrimination and Sexual Harassment.

South Piedmont will take appropriate measures to investigate all reported incidents, provide supportive measures, protect against retaliatory acts, and follow established procedures for resolution.

Contact Information for the College's Title IX Coordinators:

- Elaine Clodfelter, Title IX Coordinator  
[titleix@spcc.edu](mailto:titleix@spcc.edu)
- Lauren Sellers, Deputy Title IX Coordinator  
[titleix@spcc.edu](mailto:titleix@spcc.edu)

## South Piedmont Community College Grievance/Complaint Procedure

South Piedmont is dedicated to resolving student grievances and complaints in a timely, fair, and equitable manner. A grievance is a student allegation that a College decision or action is either discriminatory or has a negative effect on the student's status at the college. The purpose of the student grievance/complaint procedure is to provide a system to resolve student grievance/complaints against faculty and/or staff.

Any student who believes that a College decision or action is discriminatory or has a negative impact may file a written grievance using the procedure below. Students needing assistance in navigating the procedure should contact the Director of Student Advocacy and Accountability for guidance.

Grievances must be submitted electronically through the SPCC Grievance Form found [here](#) and on the SPCC website at [www.spcc.edu](http://www.spcc.edu) under Student Panel/Reporting Forms/Grievance Form with all supporting documentation within five (5) business days of the incident upon which the grievance is founded, occurred, or was first brought to your attention.

1. The Associate Vice President of Student Affairs will appoint an Investigator(s) to in-formally investigate the grievance in cooperation with the individuals within South Piedmont Community College. The Investigator(s) will submit a written report to the student (through the student's SPCC email and certified mail) and to the Associate Vice President (through SPCC email) within fifteen (15) business days.
2. In the event the decision taken by the Investigator(s) is deemed unsatisfactory to the student, the student may file a Formal Complaint-Appeal of Grievance Finding if the appeal meets one of the criteria: (1) policy and/or procedures were not followed, procedural irregularity that affected the outcome, (2) sanction too severe for the charge, (3) evidence of a conflict of interest or bias that affected the outcome, or (4) new evidence that was not reasonably available at the time of the determination that could affect the outcome. This formal appeal must be received within five (5) business days of receipt of the decision. The formal appeal must be submitted through the SPCC Formal Complaint-Appeal of Grievance Finding form located [here](#) and on the [SPCC website](#) under Student Panel/Appeal Forms. This form must be completed in its entirety. All documentation supporting the reason for the appeal, including documentation of the original grievance, emails, the grounds for the complaint, etc., must be attached to the SPCC Formal Complaint Form. The student will receive written notification of receipt of the appeal. Once the appeal is received, the appeal is reviewed by the Vice President of Academic and Student Affairs/Chief Academic Officer (CAO) to ensure the reason for the appeal meets the criteria for an appeal. Requests that do not meet the criteria for an appeal may be denied without input from the Student Appeals Team. Requests that meet the criteria for an appeal are forwarded to the Student Appeals Team for a hearing.
3. Within (10) business days of receipt of the Formal Complaint appeal, the Student Appeals Team will review the written appeal. The student and SPCC employee(s) will be notified of a date, time, and location of the hearing. The location will be in person (on campus), by conference call (on the phone), or virtually (video conferencing with a call-in option). All parties may present pertinent information. At the discretion of the Student Appeals Team, other pertinent individuals may be contacted for additional information, either in person, by conference call, or virtually.
  - The appeal meeting is a conflict resolution and not a judicial proceeding.
  - The student may not record this meeting but may take notes.

4. The Vice President of Academic and Student Affairs/CAO will notify the student (by SPCC email) and college employee(s) (by SPCC email) on the decision of the appeal within five (5) business days after the review. The decision of the Student Appeals Team is final.

**PLEASE NOTE:** Retaliation by, or against, any participant [student, employee(s), witnesses(es)] is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with discrimination is prohibited and is conduct subject to discipline. Any person who thinks they have been the victim of retaliation should immediately contact the Director of Student Advocacy and Accountability or the Vice President of Academic and Student Affairs/CAO.

The Student Appeals Team is a standing team appointed by the Vice President of Academic and Student Affairs/CAO and will consist of five (5) voting members to include representatives from faculty, staff, and the student body. (The student representative will be selected from a pool of student leaders within the college.)

#### *Other Complaint Options:*

A student may always file a complaint with:

U.S. Department of Education Office of Civil Rights

Website: [www.ed.gov](http://www.ed.gov)

Phone: 1.800.421.3481

Email: [ocr@ed.gov](mailto:ocr@ed.gov)

Equal Employment Opportunity Commission

Website: [www.eeoc.gov](http://www.eeoc.gov)

Phone: 1.800.669.4000

Email: [info@eeoc.gov](mailto:info@eeoc.gov)

## **Student Health and Wellness**

Emergency First Aid kits are maintained throughout the campuses of SPCC. For injuries requiring more than minor first aid or in case of an emergency, an ambulance service may be called at the student's expense to provide necessary medical services.

SPCC counselors are available to assist students with counseling needs, including mental health. Counselors may refer students to local counseling centers for students seeking additional mental health counseling.

SPCC's Student Life, Engagement, and Leadership provides a food pantry for students in need. Students may contact Student Life, Engagement, and Leadership for additional information in securing needed resources.

## **Drugs and Alcohol**

Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, at any official function sponsored by the College, or on all college premises except in those college facilities approved for renting to the public for functions and where the distribution and use of alcohol have been approved. Any employee or any student violating this policy is subject to disciplinary action up to and including termination/expulsion and referral for prosecution.

Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, at any official function sponsored by the college, or on all college premises except in those college facilities approved for renting to the public for functions and where the distribution and use of alcohol have been approved. Any employee violating this policy is subject to disciplinary action up to and including termination and referral for prosecution. The Associate Vice President of Student Affairs is responsible for implementing the Drugs and Alcohol Policy as it relates to students.

### ***General Rules Pertaining to Student Alcohol Use and Possession:***

It is against the law for any person under the age of 21 to purchase or possess any alcoholic beverage (General Statutes § 18B-302).

No student under the age of 21 may purchase, possess, or consume any alcoholic beverage anywhere on the campus of South Piedmont Community College. Common source containers of alcoholic (e.g. kegs) are not permitted on any South Piedmont Community College property.

Students 21 years of age or older may not sell or give any alcoholic beverage to a person under 21 years of age.

No possession or consumption of alcohol is allowed at any college sponsored function.

No student activity fees or other South Piedmont Community College collected fee shall be used to purchase alcohol for use either on or off campus.

***Health Risks of Alcohol Abuse:*** Alcohol is immediately absorbed by the bloodstream upon consumption, physically affecting the entire body. Some short term effects caused by excessive alcohol consumption include decreased heart rate, headaches, nausea and vomiting. Drinking large amounts of alcohol can result in alcohol poisoning, which causes one to lose consciousness and possibly even results in death. Long term effects of alcohol include high blood pressure, depressed immune system, vitamin deficiencies, central nervous system damage, liver disease, and cancer.

***Health Risks of Drug Abuse:*** Recreational drug use can have potentially harmful side effects that can result in serious and long-term health issues. High doses of many drugs can even cause immediate life-threatening health problems such as respiratory failure, heart attack, or coma. It is especially dangerous to combine drugs with each other.

***Alcohol and Drug Education/Prevention Program:*** South Piedmont Community College is committed to providing an educational atmosphere that is free of substance abuse and encourages lifestyles that are safe and healthy. All members of the academic community - students, faculty, administrators, and staff - share in the responsibility of protecting and promoting this environment and all are expected to exemplify high standards of professional and personal conduct. The illegal or abusive use of alcohol and other drugs by members of the academic community adversely affects the educational environment.

It is the college's intent to address this issue by implementing a college-wide program available to students that focuses on on-going education and training for intervention and referral. This program is intended to assure that any student shall have access to assistance with alcohol/drug-related problems.

Educational information on alcohol and drug issues will be available to students on a continuing basis throughout the year. This includes, but is not limited to, information at orientation, alcohol/drug awareness days, pamphlets on alcohol/drug abuse/awareness, and speakers on selected topics. These activities will be advertised in the SPCC Navigation App and the weekly email "Week at a Glance".

South Piedmont Community College counselors are available on the L.L. Polk and Old Charlotte Highway campuses and the Tyson Family Center for Technology in the Student Affairs area. Additionally, virtual services are available. Students in need of counseling, treatment, and/or rehabilitation will be referred to local mental health centers on a confidential basis. It will be the student's decision, however, whether to seek assistance with such problems. Alcohol/drug assistance, which occurs through services provided by other agencies at their organizational sites, will be at the student's expense. South Piedmont Community College pledges full support to these and other community agencies in our fight to rid our schools of controlled substances.

Every student, faculty member, administrator, and staff member of South Piedmont Community College is responsible for being familiar with and complying with college policies, which strictly prohibit possession and use of alcohol and drugs on campus or at any college sponsored function.

#### ***NORTH CAROLINA LAW:***

##### ***Purchasing, Possession, and/or Selling Alcohol*** (General Statute § 18B-300 - 18B-302)

It is against the law for any person under twenty-one (21) to purchase or possess any alcoholic beverage. It is against the law for anyone to sell or give any alcoholic beverage to a person under twenty-one (21) or to aid or abet such a person in selling, purchasing or possessing any alcoholic beverage. Any person who aids or abets an underage person in violating this law may be fined \$1000, receive community

service hours, or both.

### Drinking and Driving

In North Carolina, it is illegal to drive a vehicle while noticeably impaired or with an alcohol concentration of 0.08 or higher. When driving a commercial motor vehicle, the limit is 0.04. The most significant aspects of the state's DWI law makes punishment more severe for the impaired driver in general and the repeat offender in particular. For offenders who fall into one of the five (5) levels of misdemeanor DWI, Level 1 being the most serious and Level 5 the least, the likelihood of spending time has increased, along with the fines.

#### *Level 5*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$200 fine.
- Between 24 hours and 60 days in jail. (Your judge might suspend your sentence to 24 hours of imprisonment or 24 hours of community service as part of probation.)
- Substance abuse assessment, if you're placed on probation.

#### *Level 4*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$500 fine.
- Between 48 hours and 120 days in jail. (Your judge might suspend your sentence to 48 hours of imprisonment or 48 hours of community service as part of probation.)
- Substance abuse assessment, if you're placed on probation.

#### *Level 3*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$1,000 fine.
- Between 72 hours and 6 months in jail. (Your judge might suspend your sentence to 72 hours of imprisonment or 72 hours of community service as part of probation.)
- Substance abuse assessment, if you're placed on probation.

#### *Level 2*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$2,000 fine.
- Between 7 days and 12 months in jail. (Your judge might suspend your sentence to 90 days of abstaining from alcohol, which the court will monitor.)
- Substance abuse assessment, if you're placed on probation.

#### *Level 1*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$4,000 fine.
- Between 30 days and 24 months in jail. (Your judge might give you 10 days under probation cases involving alcohol monitoring for 120 days.)
- Substance abuse assessment, if you're placed on probation.

#### *Aggravated Level 1*

- Immediate license suspension for 30 days, with the possibility of limited driving privileges after 10 days.
- Up to a \$10,000 fine.
- Between 12 months and 36 months in jail. (Your judge might give you 120 days under probation cases involving alcohol monitoring for a minimum of 120 days.)
- Monitored abstaining from alcohol for 4 months after prison release.
- Substance abuse assessment.

### Other DWI Penalties

#### *Substance Abuse Assessment*

The NC DMV and state court system work with the state's Division of Mental Health, Developmental Disabilities and Substance Abuse Services to make sure DWI offenders receive substance abuse assessment and complete any required steps, such as education courses like the state's Alcohol and Drug Education Traffic School (ADETS) or treatment programs.

Your judge, DWI attorney, and possibly the NC DMV will provide you with information specific to your situation, but you can get a head start with these facts:

- \$100 fee for the DWI assessment.
- \$160 fee for ADETS.

### **Health Risks of Drugs and Alcohol:**

Alcohol: Alcohol (a depressant) travels through the bloodstream to different parts of the body causing a number of changes in behavior and physiology. Drinking small amounts of alcohol may affect a person's judgment, thinking, and coordination. Larger amounts may make a person sick or cause permanent damage to organs in the body (including liver, stomach, pancreas, lungs, brain, skin, eyes, throat, mouth, and bladder). Alcohol poisoning can cause death.

Amphetamines: These may cause rapid or irregular heartbeats, tremors, loss, and coordination, and possible death. Amphetamines may cause a person to act irrationally.

Cannabis, Marijuana, and Hashish: These drugs affect thinking and behavior. They may cause loss of coordination, confusion, distortion of reality, paranoia, and depression. Marijuana smoke is extremely toxic and may increase chances of developing lung cancer.

Cocaine and Crack: Users of this drug build up a tolerance that makes them want more. The physical reactions to a person's body are unpredictable. Even small amounts of this drug may cause chest pains, blurred vision, convulsions, and death.

Hallucinogens, LSD, and PCP: These drugs cause changes in thinking and in the senses. Lysergic Acid (LSD) may cause elevated heart rate, irregular breathing, hallucinations, paranoia, violence, and panic. "Flashbacks" may appear days or weeks later. Phencyclidine (PCP) may cause confusion, depression, loss of coordination, and irrational behavior. The person may become violent, have extreme mood swings/disorders, and speech problems. Death may also be a result of use of either of these drugs.

Heroin: Heroin is an opiate narcotic that causes the body to have diminished pain reactions. The use of this drug may cause damage to the brain and other organs. Coma and death may result due to a reduction of heart rate.

Methamphetamines (Meth): These drugs are highly addictive central nervous system stimulants that can increase activity and decrease appetite. Use of this drug can cause addiction, anxiety, insomnia, mood swings/disturbances, and violent behavior. Psychotic symptoms can include paranoia, hallucinations, and delusions.

Inhalants: Inhalants are chemicals that give off fumes that cause an intoxicated, drunken feeling when breathed in. These include, but are not limited to: paint thinner, bath salts, glue, gasoline, and spray paint. Inhalants are absorbed into the bloodstream and are passed on to body organs within seconds. Inhalants lower the flow of oxygen, and may cause permanent damage, dizziness, convulsions, and death.



Stimulants: These drugs speed up the nervous system. They increase activity and alertness. They may speed up the heart rate, raise blood pressure, and decrease appetite. They may cause sleeplessness, dizziness, anxiety, and depression. Stimulants may cause damage to the brain, heart, lungs, and may result in death.

#### **Information on Drugs and Alcohol Assistance:**

<a href="#"><u>SAMSHA Alcohol/Drug Treatment Referral</u></a>	800-662-4357
<a href="#"><u>Alcoholics Anonymous</u></a>	800-839-1686
<a href="#"><u>Atrium Anson</u></a>	704-994-4500
<a href="#"><u>Atrium Union</u></a>	704-993-3100
<a href="#"><u>Behavioral Health First Step</u></a>	980-993-7700
<a href="#"><u>Cocaine Hotline</u></a>	800-304-2219
<a href="#"><u>Sandhills Center for Mental Health</u></a>	800-256-2452

#### **Communicable Disease Policy and Procedure**

The Communicable Disease Policy promotes the good health and safety of students and employees, strives to minimize transmission of a communicable disease while ensuring that all essential college services remain operational to the maximum extent possible, and prohibits discrimination against persons afflicted with communicable diseases.

All medical information related to communicable diseases of students and employees shall be kept confidential and no person, group, agency, insurer, employer, or institution shall be provided any medical information without prior, specific written consent of a student or employee unless providing such information is required by state and/or federal law.

Students who know that they are infected with a communicable disease are urged to share that information, on a confidential basis, with the Director of Student Advocacy and Accountability so that the college can respond appropriately to their health and educational needs. Employees who know that they are infected should share that information, on a confidential basis, with the Associate Vice President of Human Resources and Payroll.

Persons who know or have reasonable basis for believing that they are infected are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge for the protection of other members in the community.

#### **Copyright Policy**

The copyright law of the United States (Title 17, United States Code) governs the making of all photocopies or other reproductions of copyrighted material, including peer-to-peer file sharing, at South Piedmont Community College.

South Piedmont Community College requires that all employees and students comply with federal copyright laws. Failure to abide by the copyright law of the United States could result in disciplinary action or dismissal. The unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may be subjected to civil and criminal liabilities.

The information that follows is intended to assist employees and students in managing copyrighted materials.

A copyright is a set of exclusive legal rights authors have over their works for a limited period of time. Section 106 of the copyright law gives the author exclusive rights to:

- reproduce the copyrighted work,
- prepare derivative works based upon the copyrighted work,

- distribute copies of the copyrighted work by sale or loan,
- perform or display the copyrighted work publicly,
- perform the copyrighted work publically by means of a digital audio transmission.

Currently, the author's rights begin when a work is created. Copyright notices are not required on works created after March 1, 1989.

Copyright protection exists for all works created in any medium of expression as long as the works are fixed in a tangible medium of expression so they can be experienced with or without the aid of equipment. Such works include:

1. Literary works;
2. Sheet music and musical performances;
3. Dramatic works, including any accompanying music;
4. Pantomimes and choreographic works;
5. Pictorial, graphic, and sculpture works;
6. Motion pictures and other audiovisual works; and
7. Sound recordings.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of these exclusive rights granted to the author. A copyright infringer can be liable for actual damages and profits, or for statutory damages, as determined by a court. Court rulings show that statutory damages may range from \$250 to \$50,000 per infringement, depending upon the extent of the infringement. In addition, the infringer can be assessed for court costs and the plaintiff's attorney's fees. Court costs and attorney's fees frequently exceed the amount of damages and profits. When infringements are made for profit, criminal charges and potential imprisonment may be added. Employees who engage in copyright infringement may be subject to SPCC's personnel disciplinary procedures. Students who engage in copyright infringement may be subject to SPCC's Student Code of Conduct and/or Academic Integrity.

Fair use provisions of the copyright law allow for limited copying or distribution of published works without the author's permission in some cases. Examples of fair use of copyrighted materials include quotation of excerpts in a review or critique or copying of a small part of a work by a teacher or student to illustrate a lesson.

There are no explicit, predefined, legal specifications of how much and when one can copy, but there are guidelines for fair use. Each case of copying must be evaluated according to four (4) factors:

1. The purpose and nature of the use. If the copy is used for teaching at a non-profit institution, distributed without charge, and made by a teacher or students acting individually, then the copy is more likely to be considered as fair use. In addition, an interpretation of fair use is more likely if the copy was made spontaneously, for temporary use, not as part of an "anthology" and not as an institutional requirement or suggestion.
2. The nature of copyrighted work. For example, an article from a newspaper would be considered differently than a workbook made for instruction. With multimedia material there are different standards and permissions for different media: a digitized photo from a magazine, a video clip from a movie, and an audio selection from a CD would be treated differently --the selections are not treated as equivalent pieces of digital data.
3. The nature and substantiality of the material used. In general, when other criteria are met, the copying of extracts that are "not substantial in length" when compared to the whole of which they are part may be considered fair use.
4. The effect of use on the potential market for or value of the work. In general, a work that supplants the normal market is considered an infringement, but a work does not have influence the market to be an infringement.

Peer-to-peer (P2P) file sharing is a convenient way for people to share files directly between computers using an online service. File sharing through a P2P network is not illegal so long as the person responsible for uploading the file has the legal right to distribute that file. However, since authors have the exclusive

right to reproduce and distribute copies of their own work, sharing copyrighted music, videos, movies, articles, ebooks, or images without an author's permission is an infringement of the author's copyright.

Questions related to copying any materials should be directed to the Director of Library Services.

## Intellectual Property

SPCC's intellectual property policy and accompanying procedure address ownership of materials, compensation, copyright issues, and use of revenue from the creation and production of all intellectual property. The policy applies to all students, including those in distance learning courses and programs; all faculty, including those teaching distance learning courses and programs; all instructors, and all college staff.

Intellectual property is defined as any intellectual or creative work that can be copyrighted, patented, or trademarked. South Piedmont Community College (SPCC) encourages the development, writing, invention, and production of intellectual property designed to improve the productivity of the College and/or to enhance the learning environment.

The ownership of intellectual property will be determined according to the following conditions:

The employee or student retains ownership and any revenue generated in any of the following situations:

- The work was created independently and as a result of the individual's initiative. It was not requested by the College.
- The work is not a product of a specific contract or assignment made as a result of employment or affiliation with the College.
- The work was not prepared within the scope of the employee's job duties.
- The work was produced by an employee or a student without funds, resources, or facilities owned or controlled by the College.

The College retains ownership if the above criteria are not met and/or if any of the following criteria apply:

- The work is prepared within the scope of the employee's job duties.
- The work is prepared within the scope of class assignments.
- The work is the product of a specific contract or assignment made during the employee's or student's affiliation with the College.
- The development of the work involved facilities, time, and/or other resources of the College including but not limited to release time, grant funds, College personnel, salary supplement, leave with pay, or other materials or financial assistance.

The College retains and controls all rights to license or sell any intellectual property owned by the College. Any revenues generated from intellectual property owned by the College shall be treated as institutional funds to be used to support the needs of the College.

When it is foreseen that commercially valuable property may be created, the College and the employee or student should negotiate an agreement for ownership and sharing of benefits and compensation prior to creation of the property. Any agreement, whether occurring prior to or following creation of the property, will be negotiated with the President of the College.

Upon the emergence of issues or disputes relating to intellectual property, the President will appoint an ad hoc Intellectual Property Committee, composed of equal numbers of faculty and staff, to make recommendations to the President concerning the disposition of the issue. In cases where a student is involved, a member of the Student Government Association will also be appointed to the committee. The President will make the final decision on the issue.

## Internet Use Policy and Procedure

SPCC Policy 2.05 is implemented to ensure that Internet access does not impair network security, result in inappropriate use, or impede learners from performing their duties as an employee or student. Any use of the Internet for such purposes as gambling, viewing pornographic material, or any activity that is

unlawful or degrades, impacts, or restricts acceptable uses is strictly prohibited. All SPCC computers are subject to periodic audits, and violations of this policy may result in temporary or permanent restriction of access.

Internet access is provided for the purposes of enhancing education, research and development, and conducting college business. Acceptable uses include staying current with developments in a particular discipline, researching for class projects, or learning about new technologies. Other appropriate uses include communications with peers and researching products for purchase. All SPCC computers are subject to periodic audits, and violations of SPCC Policy 2.05 may result in temporary or permanent restriction of Internet access. Offenses in violation of local, state, or federal law will result in restriction of network access and will be reported to the appropriate law enforcement agency.

## **Website Use Policy and Procedure**

All official college web pages on the website must be approved prior to creation by the College. The College is also responsible for recruiting and training staff outside who will keep content on designated college web pages accurate and current. SPCC staff and faculty members will be responsible for following website use procedures.

South Piedmont Community College's presence on the World Wide Web is critical to its mission of learning, student success, workforce and community development. For many individuals, web pages on the Internet will be the single source of information about the college. SPCC web pages must reflect the college's values, including respect for academics, intellectual properties, privacy, and the law, and the need to make information available to everyone without regard to disability.

- The college's web policy is designed to establish standards and guidelines that will:
- Support the vision, mission, purpose and values of the college.
- Assist web developers in creating sites that comply with college policies, rules and regulations, and local, state, and federal laws.
- Facilitate the official business of the college and enable appropriate and secure online transactions.

### Use of College Name, Seal, and Logo

The College name, seal, and interlocking logo may be used on a non-college website only with written permission from the President's Office. Older, revised versions of the college's name, seal, and interlocking logo may not be used.

### Copyright

All electronic publications must follow college and legal standards regarding copyright. In general, web publishers must secure permission from the owner of the copyright when using copyrighted or trademarked materials, including text, photographs, audio, video, graphics, maps, or logos, and include a permission statement or disclaimer as required by the owner of the copyright or trademark.

### Student Information Disclosure

The disclosure of information about students is governed by the Family Educational Rights and Privacy Act (FERPA). Faculty and staff should not post student information on non-secure web sites. While directory information should not be posted on college web pages, FERPA does allow the disclosure of certain information for directory purposes, including student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities, dates of attendance, and the most recent previous educational agency or institution attended.

### Privacy

Web sites that collect individually identifiable information must provide a privacy statement. The statement must be clear and accessible and should cover the Federal Trade Commission's core principles of privacy: notice, consent, access, security and enforcement.

SPCC collects and stores certain information about visitors to its website but does not identify individual users. The information gathered enables the college to produce summary statistical reports. Some

applications on the website ask for personal information to enable the college to process requests. Information collected from users will be used only for the purpose defined when the request was made. SPCC does not sell, distribute, or otherwise provide information collected on its websites to third parties.

#### Accessibility

College web sites may be subject to the Americans with Disabilities Act and are subject to college nondiscrimination policies. All electronic publications, to the extent feasible, should be made accessible to people with disabilities. If accessibility is not feasible, the information should be made available by alternative means.

#### Links to and from Non-College Web Sites

Links from a South Piedmont Community College page to a non-college site must not imply college endorsement of the site's products, services, or mission. A disclaimer must be included: Links on these pages to non-college sites do not represent endorsement by South Piedmont Community College or its affiliates. The college welcomes links to its web site for educational and informational purposes, but the link must not imply endorsement by or affiliation with South Piedmont Community College.

SPCC may provide links on its webpages to:

- Other government agencies
- Educational institutions within the service area or institutions with which the college has articulation agreements
- Libraries within the service area
- Hospitals within the service area
- Other entities deemed important to the economic development of SPCC's service area

Requests for links on SPCC's main links page for organizations that fall into one of the categories previously described must be in writing and directed to the college webmaster. Links may be provided for convenience and information only, and SPCC assumes no responsibility for their content and does not endorse those web sites or organizations. SPCC reserves the right to post links on the college web site that institutional representatives deem appropriate, and the college reserves the right to reject requests for links considered inappropriate. The college reserves the right to reject links. Requests for links should be made to the President's Office.

#### Personal Web Pages

Personal web pages created by faculty, staff, or students on the college systems are the sole responsibility of their authors and must contain only information relevant to the college's mission. Comments on the contents of those pages should be directed to the page author. As a service and for informational purposes only, the college may provide links to personal web pages. Personal pages must not indicate that the author is representing, giving opinions, or otherwise making statements on behalf of the college. The following disclaimer must be included: The opinions or statements expressed should not be interpreted as a position of or endorsement by South Piedmont Community College.

#### Hosting

Web sites covered by this policy are prohibited from hosting pages of entities or individuals not affiliated with the institution.

#### Fundraising

The [South Piedmont Community College Foundation, Inc.](#), is the sole entity authorized to conduct fundraising by utilizing college web pages.

#### Questions

For questions about the SPCC Web Policy, contact the President's Office at 704-290-5251.

### **Free Speech and Public Assembly**

South Piedmont Community College (SPCC) encourages its community to exercise the right to freedom

of speech granted by the First Amendment to the Constitution of the United States of America. Members of the college community and the public may engage in constitutionally protected speech and expression at SPCC provided it does not interfere with the primary educational purpose of the College.

SPCC supports the rights of freedom of speech, petition, and peaceful assembly but reserves the right to restrict the time, place, and manner of expression. Any acts that are disruptive to normal operations of the College including but not limited to instruction, college business, or actions which interfere with the rights of others will not be tolerated. Faculty, staff, and students engaging in disruptive activity may be subject to disciplinary action or criminal charges.

#### Registration and Use of Designated Free Speech Area

The college hereby designates the following areas as Free Speech/Expression areas:

Old Charlotte Highway Campus	Patio
L.L. Polk Campus	Gazebo
Lockhart-Taylor Center	Grass area near street
Tyson Family Center for Technology	

These areas shall be available for use by both members of the college community and members of the general public. However, events sponsored by members of the college community shall have first priority in using the Free Speech/Expression areas. Requests will be assigned to the person or organization that requests the area first. The College reserves the right to relocate any assembly to ensure that the activity does not interfere with the normal operation of the College or interfere with the rights of others.

#### Requests for Free Speech

Individuals or groups wishing to exercise their free speech should submit a written and signed request to the Associate Vice President of Student Affairs at least three (3) working days prior to the desired date. The following information must be included in this written request:

- Name of the person or organization submitting the request
- Address, email, and phone number
- Date and times requested
- List of planned activities (i.e., speech, signs, distribution of literature)
- Anticipated number of participants and attendance
- Signature of requestor

Approvals are for one (1) day only for a maximum of three (3) continuous hours, between 8 a.m. and 9 p.m. The Associate Vice President of Student Affairs will notify the Director of Safety & Security of any approved Free Speech event.

#### Guidelines for Speech and Public Assembly

- Amplification Systems.

Because amplification systems pose a significant potential for disruption of college operation, public address and amplification systems may not be used. This includes, but is not limited to, megaphones and PA systems.

- The Right to Dissent.

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate his or her message to the audience during his or her allotted time, and the audience is entitled to hear the message and see the speaker during that time. A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. Likewise, the audience must respect the right to dissent.

- Picketing and Distribution of Literature.

Picketing in an orderly manner or distributing literature within the free speech area is acceptable when

approved during the request process as coordinated and approved by the Associate Vice President of Student Affairs. Picketing is not permitted inside college buildings.

- Symbolic Protest.

During a presentation, displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible so long as the symbolic protest does not unduly interfere with the ability of the person or entity reserving an area for free speech/expression to express themselves.

- Marches.

Campus marches are not permitted.

### Conduct and Manner

- Those who exercise free speech as a part of this policy must not:
  1. Threaten passersby.
  2. Interfere with, impede, or cause blockage of the flow of vehicular or pedestrian traffic.
  3. Interfere with or disrupt any other lawful activity in the same general location at the same time.
  4. Commit any act likely to create an imminent safety or health hazard.
  5. Post materials on any walls, windows, doors, sidewalks, trees, light poles, etc., or any other college equipment except in areas designated by the Associate Vice President of Student Affairs.
  6. Carry signs or placards that exceed three (3) feet by three (3) feet promoting the objective of the activity. They must not contain obscene language or words that would tend to incite violence.
- Public speech or activities likely to incite or produce imminent lawless action or that are, under current legal standards, either defamatory or obscene are prohibited. Violations of the SPCC Student Code of Conduct are prohibited.
- Individuals who damage or destroy college property shall be held responsible for such damage or destruction. This includes lawns, shrubs, trees, etc.
- A request for use of free speech areas may be denied if determined that the proposed speech/activity will constitute a clear and present danger to the orderly operation of the college.
- All applicable college regulations, state and federal laws and municipal ordinances apply when engaging in activities on college property. Failure to do so may result in immediate removal from college property and other appropriate action by college officials and/or law enforcement officials.

### Interference with Free Speech or Public Assembly

Persons shall not physically interfere in the use of the sidewalk or address obscene, indecent, or threatening language to or at individuals to provoke them or lead to a breach of the peace. Whenever free passage is obstructed by a crowd, the persons composing such crowd shall disperse when directed by college officials, security, or law enforcement officials. Failure to do so may result in disciplinary action and/or criminal prosecution. Groups wishing to only hand out literature (no signs, no speech, no means of identification) may request in writing to the Associate Vice President of Student Affairs the use of additional areas on a limited basis.

### **Solicitation by Outside Parties**

Solicitation by outside parties is strictly regulated to provide protection for South Piedmont Community College employees and students.

### No Solicitation-Distribution Rule

South Piedmont Community College, as an employer, is legally responsible for promoting the efficiency of the public services it performs. The following rules address that legal responsibility:

- Solicitation or distribution by persons other than employees of South Piedmont Community

- College (SPCC) in those areas of school property that are not open to the public is prohibited.
- Solicitation or distribution by persons other than employees of SPCC in those areas of school property that are open to the public is prohibited to the extent that such solicitation or distribution results in substantial disruption of, or material interference with college, administrative, or operational activities. Areas open to the public are defined as areas outside the main entrance to college facilities and designated locations inside student centers at each campus.
  - No solicitation or distribution by email, fax, or other electronic means may be made until approval is granted by the Vice President of Finance and Administrative Services.
  - No written announcement or advertisement can be posted on SPCC property until approved by the Vice President of Finance and Administrative Services or their designee.
  - No written announcement or advertisement can be distributed on vehicles parked on SPCC property until approval is granted by either the Vice President of Finance and Administrative Services (for employees and public) or the Associate Vice President of Student Affairs (for students).

### **Field Trip Forms**

Students should familiarize themselves with field trip forms, whether they are traveling in a South Piedmont Community College vehicle or their own vehicle. Field trip forms are mandatory and must be signed and submitted to Student Affairs before participating in the event. If a student drives their own vehicle, the college will assume no responsibility for loss or damage to any vehicle or its contents. Any citations the driver receives while driving their own vehicles is solely the responsibility of the driver.

### **Inclement Weather Policy**

SPCC ensures the safety of students and employees by implementing a policy and procedure to be observed during inclement weather and other exigent conditions. When these conditions occur on days of scheduled classes and/or events, South Piedmont Community College will post announcements of closings or delays on the College website, area television stations, via the College's mass notification system, and through South Piedmont Community College's email system. Any decisions to close or delay college classes and/or events will be posted as early as the situation permits.

At all times, students and employees should use sound judgment when making travel decisions. Additionally, they should exercise caution when traveling to and from campus during periods of inclement weather.

**Although the campuses may be closed, online classes continue!** Each on-campus class has a Canvas site and make up work for missed classes should be completed through Canvas. When the campus is closed, students should log in to their classes to avoid falling behind.

### **Crime Statistics and Annual Safety and Security Report (Clery Act)**

The National Campus Safety Act requires all institutions of higher education to report annual campus crime statistics. The annual security report is also available at Student Affairs.

Click [here](#) for the 2020 Annual Safety and Security Report. Click [here](#) for SPCC Crime Statistics, as noted below:



2018-2020 CRIMINAL STATISTICS																					
CRIMINAL OFFENSES	CRIMES ON CAMPUS			NON CAMPUS			CRIMES ON CAMPUS			NON CAMPUS			CRIMES ON CAMPUS			NON CAMPUS			TOTAL		
	2018			2018			2019			2019			2020			2020			SPCC		
	P	M	W	P	M	W	P	M	W	P	M	W	P	M	W	P	M	W	C		
o	o	a	o	o	a	o	o	a	o	o	a	o	o	a	o	o	a	o	o	a	R
n	n	d	n	n	d	n	n	d	n	n	d	n	n	d	n	n	d	n	n	d	I
e	r	e	e	r	e	e	r	e	e	r	e	e	r	e	e	r	e	e	r	e	M
r	o	s	r	o	s	r	o	s	r	o	s	r	o	s	r	o	s	r	o	s	E
o	r	b	o	r	b	o	r	b	o	r	b	o	r	b	o	r	b	o	r	b	S
r	e	r	r	e	r	r	e	r	r	e	r	r	e	r	r	e	r	r	e	r	
Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Non-Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stalking	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other Crimes Involving Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>ARRESTS FOR</b>																					
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Illegal Weapon Possession	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	
<b>DISCIPLINARY ACTION FOR</b>																					
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drug Law Violations	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	5	
Illegal Weapon Possession	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

For offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 40002(9) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Such statistics shall not identify victims of crimes or persons accused of crimes.

