

Centura College/AIM/Tidewater Tech/Centura Institute
General Conduct Violation
Grievance and Investigation Process
From the
Corporate Department of Student Affairs

INTRODUCTION

Centura College, Aviation Institute of Maintenance, Tidewater Tech, and Centura Institute (“the Institution”) strives to ensure an educational environment for its community that is productive, orderly, and is based upon generally recognized standards of conduct. The School Catalog defines the Standards of Conduct expected and the Student Code of Conduct specifically details the Standards as well as Levels of violation. Together, the Standards, Code, and the grievance policy and procedure provide the basis for the Institution to address student conduct at its campuses.

The following grievance process may be applied to all conduct violations involving students, in addition to those expressly addressed by other relevant institutional policy, when an alleged violation of conduct has occurred. This policy applies to student against student, student against staff, student against the learning community, and alumni against student, staff, or institutional community violations. That is, any action by a student.

The Institution maintains separate policies regarding academic, administrative, and civil rights complaints. Students may access information regarding other process through the School Catalog. The Institution recognizes, where applicable, state or local civil rights laws may provide additional protection to a person that extend beyond Federal protection.

In instances that allege discrimination within the context of a Student Code of Conduct violation, the Institution will enact primary protocols established under the *Civil Rights Non-Discrimination Grievance and Investigation Process*. This process permits the Institution to take immediate action to mitigate and/or remediate matters or concerns that may impact the health, well-being, and safety of its students and the learning community. Such actions are especially imperative in circumstances that involve any alleged incident of discrimination and when complaints of retaliation, harassment, or bullying have been received. In such cases, the Student Code of Conduct will serve as the basis for determining appropriate discipline.

The Institution provides a separate avenue within the Department of Human Resources for employee-to-employee and/or general employee conduct matters (refer to Employee Handbook located on the Corporate Intranet). Employee complaints and/or conduct concerns should be directed to the Corporate Department of Human Resources, who maintains all policies and procedures for addressing employee-related conduct violations.

OVERVIEW

The Institution maintains the General Conduct Violation Grievance and Investigation Process as its formal grievance process. The Institution provides its students with opportunities to address concerns related to this process at the campus level first and to seek appeal outside of the campus level when necessary.

The Institution will act to ensure the safety of its community whenever any alleged violation of the Code has been received either by formal complaint, formal staff report, or when notified of an observed incident. When community safety is of concern, such as in the case of most conduct Level I violations (including those defined as “direct threat”) and some Level II violations, the Institution may act to remove the respondent from campus immediately, pending a Formal Investigation. The campus will appraise all circumstances first by inquiry, then by an Informal or Formal Resolution and may open a Formal Investigation.

The Campus Executive Director will oversee campus-level conduct matters with a campus-based designated investigator acting to determine if a violation has occurred under the Institution’s established policies and procedures. This designated investigator is typically the Assistant Director/Director of Compliance and Administration, or in cases of academic dishonesty, it is the Director of Education.

The Institution views the Student Code of Conduct as the basis of establishing and maintaining an educational community that is productive and free from disruption. For specific information on the Institution’s Student Code of Conduct, refer to the *Student Code of Conduct Policy and Conduct Level and Range Summary Chart* found on the Institution’s website or available upon request from the Campus Executive Director or Student Services Office.

PROCESS

The conduct grievance process has several steps, each supporting specific action by the Institution to address matters of conduct, all defined to provide a fair and unbiased process to address matters of conduct. The initial level of the grievance process is campus-based. That is, it is administrated at the campus level. The appeal level is not campus-based, but is a process that occurs outside the campus and within the Corporate offices. For all conduct cases related to discrimination of any kind or students within the Practical Nursing program, the grievance process will be handled by the Corporate Director of Education. For all other conduct cases, the Regional Director for that campus will handle the grievance process.

The grievance process is designed to provide fair and timely resolution to matters involving student conduct. It includes several steps: 1. a complaint or report process; 2. an inquiry and/or investigation process; 3. an informal and formal resolution process; and, 3. an appeal process.

Complaint or Reporting Process

Each Campus Executive Director is designated to directly receive complaints from students or Staff Reports from staff and faculty regarding alleged Code violations. Notice to the

Institution of a formal complaint (by student regarding a student; by staff regarding a student) can be initially made verbally, in-person, or by phone to the Campus Executive Director and should include submission of a written complaint or report using the Institution's designated forms (Student Complaint form or Staff Report form, respectively).

Reporting Cases of Discrimination

The conduct grievance process will be used in all cases of conduct complaints except those that allege discrimination. When a complaint or report of discrimination is received by the Institution, especially those defined as gender-based misconduct or disability-based discrimination, the Institution will defer to its *Civil Rights Non-Discrimination Grievance and Investigation process*. This process is used for any complaint that alleges discrimination involving a student and may be combined with the policies from the Corporate Department of Human Resources as deemed appropriate.

In cases alleging discrimination based on disability, the Institution will involve its Office of Disability Services as the primary investigator. Students who have registered with the Office of Disability Services may report discrimination directly to the campus Section 504 Liaison or to the Corporate Director of Education.

In all complaints alleging discrimination, the student should use the *Student Complaint form*. The student may obtain guidance in this process from the campus administrator or campus-based Student Services Coordinator/Section 504 Liaison. These complaints may be submitted directly to the Campus Executive Director or to the Corporate Director of Education at 4455 South Blvd, Suite 200, Virginia Beach, VA 23452.

The Institution will act to end any conduct that disrupts the educational environment, as well as immediately act to end discrimination, prevent its recurrence, and remedy its effects on the complainant and the campus community.

Initial Inquiry Regarding Circumstances

The Institution may begin an immediate inquiry or evaluation of the alleged violation(s) to ascertain the basis of a conduct complaint or report. This is a *fact finding process* in which the Campus Executive Director, or a designee (such as the Assistant Director/Director of Compliance and Administration and/or Director of Education), seeks information and reviews the complaint regarding the alleged violation(s). The goal of this step of the grievance process is to determine what type of complaint has been received by the Institution and to determine what actions will be necessary. This is especially important so that any and all student complaints may be addressed in a timely manner through the correct avenues (administrative, education, discrimination, conduct).

At this step, if information suggests that there is **no apparent Code violation**, the complaint will be determined to be unsubstantiated and will be **closed with no action**.

However, if information obtained suggests a basis for the complaint, the Institution will move toward **Resolution (informal or formal) or Formal Investigation.**

Informal Resolution and Formal Resolution

The Institution first strives to resolve campus-based concerns in an equitable and fair manner that permits informal resolution facilitated by the Campus Executive Director whenever possible. This type of Resolution occurs in all Level IV violations. In such cases, all persons involved agree to the informal resolution as documented by the Institution's *Student Record of Advising form* and entered into the official student record as per administrative policy. Informal Resolution is viewed as an opportunity to educate students regarding policy rather than as a strict disciplinary action.

In cases of less serious matters as noted in Level III violations, the Institution may, based on information or specific facts, move toward **Formal Resolution.** Even though most Level III violations are often less serious in nature, the Institution has the right to investigate all complaints as deemed necessary. The Formal Resolution step is one in which corrective action is taken based on the Level III violation, and as such Formal Resolution comprises most actions that result from student Code complaints or from violations of the Code that are directly observed or witnessed by staff. These types of violations and the discipline that follows are noted to occur during normal daily operations at the campus. Such violations do not endanger the campus community, often are "clear-cut," and may be addressed by the Institution through use of the *Student Record of Advising*. Discipline may include removal from campus for the day and other sanctions upon return to campus as defined in the Conduct Level and Range Summary Chart. For Level III instances of academic dishonesty, the Director of Education (DOE) can be the designated administrator who determines discipline, drafts the *Student Record of Advising form*, and conducts the advising session with the student.

The Institution views Formal Resolution as a more formal step to address conduct matters than Informal Resolution and seeks to correct conduct in a manner that will return the student to good standing. However, when necessary, the Institution may open a Formal Investigation.

In cases involving a violation within Level I or Level II, which includes any complaint that alleges or involves discrimination, violence or threat of violence, or other conduct deemed dangerous to the campus community, the Institution will always open a Formal Investigation.

Formal Investigative Process

The Institution offers a fair, unbiased, and timely investigative process when an alleged Level I or II violation of the Code occurs. Once an inquiry has concluded the Institution may *remove* the student from campus pending a Formal Investigation. This process permits information to be gathered from all concerned persons in a timely and controlled manner. In cases of a Level I or Level II violation, an investigation is a mandatory component of the grievance process. ***Note: civil rights complaints allege a Level I violation and will be always be addressed through a Formal Investigation.***

The Formal Investigation process includes:

1. Acknowledgement of the Institution's receipt of a complaint;
2. Notification to any respondent of the Institution's receipt of a complaint;
3. Immediate action to mitigate and secure the safety of the campus community that may include removal of the respondent from campus during the investigation;
4. Interviews with all named or identified witnesses OR individuals deemed to potentially be witnesses;
5. Interview with the complainant;
6. Interview with the respondent;
7. Evidence collection;
8. Creation of a Finding Report;
9. Notification to complainant of finding via letter;
10. Notification to respondent of finding via in-person meeting and/or phone contact and by letter;
11. Closure of complaint with documents secured in student record for five (5) years.

The Assistant Director/Director of Compliance and Administration will act as primary investigator. The Campus Executive Director will be tasked with completing and documenting all facts surrounding any complaint or reported Level I or II violation of conduct as noted in the Finding Report.

All findings will be secured in the student's permanent institutional record and maintained by the Institution for five (5) years as per accreditation requirements.

The student, whether complainant or respondent, may expect to:

1. Meet with the Campus Executive Director to review the complaint or reported violation within three (3) business days of receipt of the complaint or report;
2. The respondent will be provided with a Student Record of Advising at this meeting that details the allegations and may also document the student's removal from campus during the investigation;
3. Be able to participate in and provide the Institution's Investigator with a verbal and written statement as well as any additional information, list of witnesses, facts regarding the allegations, and additional relevant evidence related to the complaint or allegation at a scheduled interview held within five (5) business days of the initiation of the Formal Investigation step. *Note: This is an opportunity for the student to participate in the investigation process. It is highly recommended, but not required as a student has a right to refuse.*
4. Be notified of the outcome of the investigation by letter. Note: access to private student information is limited by the Family Education Rights Privacy Act (FERPA).

The investigation process is an administrative procedure related to a complaint or report of an alleged Code violation, as such, *an attorney acting as a lawyer may not serve as the student's advocate or formally represent the student.* These procedures are entirely administrative in nature and are not considered legal proceedings. **No audio or video recording of any kind, other than as required by procedure is permitted.** Unauthorized audio or video recording

will be deemed a serious violation of the rights of others and may lead to separate disciplinary action.

At the investigator's discretion, anyone disrupting the process may be removed from the discussion or the campus. All these same opportunities and privileges extend to all persons involved in or named in the complaint. **Note: *The Institution seeks to limit disruption of the educational experiences of its students and to conclude investigations promptly***; therefore, it is the responsibility of the student (complainant or respondent) to be available as requested. Failure to appear for a scheduled investigative interview, to provide a correct phone number or address, or to refuse to participate in the process will be documented.

All Formal Investigations end with an ***Investigative Finding Report***. This report provides an overview of the complaint and facts while also recommending disciplinary actions. The ***Investigative Finding Report*** is entered into the student record of the respondent.

The student may expect the following investigative outcomes:

The investigation may lead to two (2) conclusions:

1. **No Finding:**
 - a. Where the allegations are not supported in policy or
 - b. Where the respondent is found not responsible or
 - c. Where the preponderance of the evidence does not support that a violation occurred.
2. **Substantiated Finding:**
 - a. Where the allegations are supported in policy or
 - b. Where the respondent is found responsible or
 - c. Where the preponderance of the evidence supports that a violation occurred.

If disciplinary action is recommended based on the investigation, the student will be given a *Record of Student Advising* that details the finding and actions. **Note: *Signature on this document is the acceptance of the finding by the student who will have no right to appeal.*** In cases where an individual refuses to sign, another administrator at the campus must witness and attest to the refusal.

The respondent may expect these next steps:

1. A meeting with the Campus Executive Director to discuss the findings and to be informed of any discipline via a *Student Record of Advising*;
2. Notification of the outcome of the investigation during this meeting and by letter;
3. Immediate implementation of discipline under the Code.

It is the responsibility of the student during this meeting to make known their intention to appeal if they refuse to complete the grievance process or fail to agree to the findings and disciplinary requirements detailed within the Student Record of Advising. Note: Disagreement and/or intent to appeal does not stop the disciplinary process. The recommended discipline will be noted in the student record and the student will remain removed from campus during the

Appeal Process. Should the respondent not agree, the next step in the grievance process is to request an appeal in writing using the ***Student Conduct Request for Appeal form***.

Note: Appeal proceedings as described in this process will apply to all persons involved in or named in the complaint and/or violation.

The Appeal Process

An individual may, upon receipt of the Investigative Finding, seek an appeal. To do so, the respondent or, in rarer cases the complainant, must request an appeal within five (5) business days of verbal notification of the Investigative Findings by using the ***Student Conduct Request for Appeal form***. This form should be returned to the Campus Executive Director directly at the campus, but may be mailed or scanned and emailed with an original signature. ***Note: it is advisable to deliver the appeal as notification not received within the designated five (5) business day period will not be accepted. This will result in the immediate enactment of the discipline recommended from the finding and the student will have no further right to appeal in the matter. The decision is the final decision of the Institution.***

An appeal is a review of the complaint or report of violation that includes all records created to date and all relevant policies and procedures. **It is not a “reinvestigation” of the complaint or report.** This is a second opportunity for the student to communicate with the Institution, but such communication is strictly in written form. The student is responsible to show grounds for the appeal.

The following are grounds for appeal:

1. A procedural error occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, error in identification as respondent etc.);
2. New evidence has come to light, *unavailable during the original investigation*, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included (new evidence is evidence that was either not known at the time of the investigation or was unavailable for submission due to some mitigating circumstance; it is not evidence that failed to be admitted or was intentionally omitted);
3. The discipline level and/or range imposed was substantially outside the guidelines established by the Institution or was disproportionate to the severity of the violation.

The appeal process is started once the appeal is received by the Institution, and only if the appeal is received in a timely manner under current policy timelines.

The student may expect the following:

1. Verbal acknowledgement from the Campus Executive Director of notice of intent to appeal;
2. The due date for receipt of the formal appeal will be clearly stated.

Once the Institution has received the appeal, it will be forwarded to the Corporate Office to the appropriate party. The appeal level of the grievance process is an off-campus based step.

The student may expect that the Institution will take the following actions:

1. Acknowledgement by the Institution of the receipt for appeal;
2. Notification to the complainant that an appeal has been received;
3. The convening of an Appeal Committee of no less than three (3) and no more than five (5) administrators who are not located at the campus;
4. That all identified violation Levels and corresponding discipline Ranges recommended from the investigation will be noted and that the student may continue to be removed from campus during the Appeal process, especially in cases of the most serious Level I violations.

NOTE: Graduation, leave of absences, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and individuals may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the Institution or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The Appeal Committee will meet within fifteen (15) business days to address the appeal. This meeting is an administrative proceeding and is a closed meeting. The Appeal Committee will address only the facts of the appeal as noted in or attached to the appeal form.

The Appeal Committee Process Includes:

1. Review of relevant documents to include, but not be limited to:
 - a. Investigative Finding Report and its basis
 - b. Formal Appeal and all attached documents
 - c. Institutional policies and procedures
2. Formulation of relevant questions to address in appeal;
3. Hear from Investigator, if deemed necessary for clarification;
4. Seek other relevant, but not evidentiary information, as deemed necessary for clarification;
5. Enter into discussion;
6. Come to a determination;
7. Create an Appeal Committee Summary Report; and
8. Notification of appeal outcome.

The appeal committee decision is the final decision of the Institution. Several outcomes are possible from this administrative step in the grievance process.

The student may expect the following appeal outcomes:

1. **Affirmed**—the appeal is valid:

- a. In total: the investigative finding is negated
- b. In part: the investigative finding may be modified as deemed appropriate
2. **Denied**—the appeal is not valid:
 - a. In total: the grounds listed for appeal is not substantiated
 - b. In part: the grounds listed may point out a policy issue, but it is found to not relate to the facts of the investigation or to have influenced the outcome
3. **Voided**—the request for appeal has been formally withdrawn by student

Note: In rare cases where the procedural error cannot be remedied by the original investigator (as in cases of bias), the Appeal Committee may recommend additional actions such as a new investigation.

The student who has appealed may expect these next steps:

1. Notification of the outcome of the investigation during this meeting and by letter;
2. A meeting with the Campus Executive Director at campus level;
3. Immediate implementation of outcome, whether a timely return to campus or discipline under the Code as defined in a record *Student Record of Advising*.

SPECIAL GRIEVANCE MATTERS

False Reports

The Institution will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Notification of Outcomes

The outcome of a campus grievance process is part of the educational record of the respondent and is protected from release under a federal law, FERPA. However, the Institution observes the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.
- The Institution may release publicly the name, nature of the violation and the discipline for any student who is found in violation of a institutional policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The Institution will release this information to the complainant in any of these offenses regardless of the outcome.

Alternative Testimony Options

For gender-based misconduct complaints, and other complaints of discrimination that may be of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options may be requested and given, such as use of telephone conferencing.

NOTICE OF NON-DISCRIMINATION

The Institution does not discriminate on the basis of race, color, national origin, gender, sex, age, or disability in any of its programs or activities. The Institution provides policies and procedures that are compliant with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. Any individual who believes that she or he has been discriminated against has the right to seek relief and to be free from retaliation by members of the learning community. The following person has been designated by the Institution to handle all inquiries regarding its non-discrimination policies: Corporate Director of Education, 4455 South Blvd., Suite 200, Virginia Beach, VA 23452, toll free (877) 604-2121 OR a person may contact the Federal Department of Education, Office of Civil Rights at <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>.

Definitions

Violation: a discrete action or a system/pattern of related actions which directly contradict a written rule or policy of the Institution.

Level: defined categories of violations of the Student Code of Conduct.

Range: defined spectrums of discipline within Levels that may include re-education, written warning, sanction, probation, suspension, and/or expulsion, or a combination.

Removal: an action by the Institution meant to prevent further disruption or errand conduct on a given day or during a Formal Investigation. The student may be removed pending the outcome of a conduct matter, and such days of removal may be included as time in the sanction of suspension.

Probation: a component of a range of discipline that requires monitoring of the individual's conduct for further violations and may last a period of time and is meant to remediate and prevent future conduct violations.

Suspension: a component of a range of discipline that is an act by the Institution to immediately or for a designated period of time, remove an individual from campus based on a conduct violation.

Expulsion: a component of a range of discipline that is an act by the Institution that is meant to permanently remove an individual from active good standing at the Institution

Student Advising Action: a component of a range of discipline that is generally used by the Institution as a means to provide a written warning and/or to address re-education or a conversation with an individual when a conduct violation has or may have occurred; accompanied by the use of the Institution's Department of Student Affairs, Record of Student Advising form.

Complaint: formal verbal and/or written notice to the Institution from an individual or individuals regarding a violation of conduct.

Inquiry: informal process meant to determine fact and/or to determine fact and provide for reasonable resolution.

Investigation: can be an informal inquiry process allowing for the review a complaint/violation pending certification and/or a formal investigation of the complaint/violation that may lead to a hearing and discipline.

Appeal: formal process which provides an individual the ability to have matters of process or procedure reviewed upon a finding from an investigation; new witnesses or evidence would only be permitted in extenuating circumstances.

Business Day: Normal operating hours that include Monday through Friday, excluding recognized holidays.