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Eastern Shore Community College Policy and Procedures Related to Determining General Admissions Denials

In accordance with VCCS Policy 6.0.1, General Admission to VCCS Colleges, and the College's admission policy as published in the Eastern Shore Community College Catalog and Student Handbook:

ESCC reserves the right to evaluate and document special cases and to refuse admission if the College determines that the applicant is a threat or a potential danger to the College community or if such refusal is considered to be in the best interest of the College. Students whose admission is revoked after enrollment must be given due process.

This policy applies to: 1. "*Applicants*" who are individuals who have applied for admission but have not yet enrolled in classes and 2. "*Enrolled Applicants*" who are individuals who have applied for admission and have registered for classes for a future semester.

See the *Eastern Shore Community College Policy Related to Admission of Students on the Sex Offender Registry* for procedures that deal specifically with the denial of admission or withdrawal of a registered sex offender.

Behaviors that present a threat or a potential danger to the College community or other behaviors where it is considered to be in the best interest of the College to refuse admission or revoke enrollment are defined as, but not limited to:

Threatening Behavior (including but not limited to):

- a) Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, raising tone of voice or yelling in an aggressive or threatening manner)
- b) Oral or written threats to harm people or their property (i.e., "you better watch your back" or "I'll get you"), including the use of any electronic means of communication
- c) Implicit threats (i.e. "you'll be sorry" or "this isn't over yet.")

Violent Behavior (including but not limited to):

- a) Intentionally acting in a manner that in any way endangers the safety of others
- b) Any physical assault, with or without weapons
- c) Behavior that a reasonable person would interpret as being physically aggressive (i.e. destruction of property, pounding on a desk or door or throwing objects in a threatening manner)
- d) Specific threats to inflict harm (e.g. a threat to shoot a named individual)
- e) Use of any object to attack or intimidate another person
- f) Interfering with an individual's legal rights of movement or expression

Intimidating Behavior (including but not limited to):

- a) Intimidation of any kind that results in an individual's fear for his/her personal safety
- b) Engaging in stalking behavior
- c) Behavior that is reasonably perceived to be frightening, coercing, or inducing distress to any member of the College community

Disruptive Behavior (including but not limited to):

- a) Verbally intimidating, threatening, or abusing any person or persons in the College environment
- b) Physically intimidating, threatening, abusing or assaulting others
- c) Disorderly or abusive behavior that interferes with the rights of others or obstructs the teaching or learning environment or business of the college.
- d) Making inappropriate and incessant demands for time and attention from College employees or students
- e) Inappropriate use of College facilities or resources
- f) Theft or damage to College property

Procedures:

Upon notification to the VP of Academic and Student Affairs or designee that the *applicant* or *enrolled applicant* has exhibited threatening, violent, intimidating or disruptive behavior as defined above, the dean or designee will conduct an investigation to evaluate the circumstances. After the investigation, if the College determines that the individual is a threat or potential danger to the college community or if such refusal is considered to be in the best interest to the College, the student will be notified as follows:

Applicant:

The *applicant* will receive written notification at the home address listed in the student information system stating that admission to the College has been denied. The notification will state the denial is based on the College's determination that the *applicant* represents a threat or potential danger to the College or that the refusal of admission is considered to be in the best interest of the College. A service indicator will be placed on the *applicant's* record which will prevent the *applicant* from registering for classes.

Enrolled applicant:

An *enrolled applicant* will receive written notification at the home address listed in the student information system stating that admission to the College is revoked and class registration is withdrawn. The notification will state the decision is based on the College's determination that the *enrolled applicant* represents a threat or potential danger to the College and/or their revoked admission and withdrawn class registration is considered to be in the best interest of the College. The written notification will detail the procedures for due process and will provide the individual with explicit instructions on the appeal process.

The individual is required to initiate the appeal process in writing within ten (10) calendar days of the notification by the College (as indicated by the date of the written notification from the College) in order to receive consideration to remain enrolled. Unless there are extreme extenuating circumstances, if the *enrolled applicant* fails to follow the appeal process within ten (10) calendar days of notification from the College he/she will forfeit the right to appeal, which will result in the College sending to the student written notification of administrative deletion of class registration and revocation of admission for future semesters. The College will make every effort to expedite the hearing timeline.

Appeal process:

1. The *enrolled applicant* will receive a letter from the VP of Academic and Student Affairs or designee detailing the denied status of the student, withdrawn class registration and the appeal procedure within seven (7) calendar days of the College's decision to deny or revoke admission and to withdraw the student from enrollments. The *enrolled applicant* will be advised of the right to due process and request for appeal.
2. Upon receipt of a request for appeal from the student within the required ten (10) calendar days of notification, the VP or designee will convene the Admissions Committee and serve as a voting member. The purpose of the hearing is to provide the student notice of the basis for the College's decision and the right to provide his/her explanation of the facts, as well as for the Committee to evaluate the facts of the case.

If, after the hearing, the Committee determines that (1) the *enrolled applicant* represents a threat or potential danger to the College and/or that (2) the revoked admission and withdrawn class registration are considered to be in the best interest of the College, the student's admission to the College will be revoked, the student's class registration will be administratively deleted, and the student will receive a tuition refund. The individual will be denied future admission/enrollment to the College.

If, after the hearing, the Committee determines that (1) the *enrolled applicant* does not represent a threat or potential danger to the College and/or that (2) the admission/enrollment is considered to be in the best interest of the College, the student's admission/re-enrollment to the College will be re-instated.

3. The Committee will review the proceedings of the hearing and make a decision by a simple majority vote within fourteen (14) calendar days of receiving the written request for the appeal. The College will make every effort to expedite appeal process. The VP of Academic and Student Affairs will inform the *enrolled applicant* by written correspondence of the Committee's decision. The decision of the Committee will be final.

Approval date: May 11, 2010

Effective date: May 11, 2010