

- prevent others from accessing an authorized service;
- attempt to deliberately degrade performance or deny service;
- corrupt or misuse information;
- alter or destroy information without authorization; and
- engage in spamming (sending an annoying or unnecessary message to a large group of people).

Respect the privacy of others. Example: It is unacceptable to...

- access or attempt to access another individual's password or data without explicit authorization;
- access or copy another user's electronic mail, data, programs, or other files without permission;
- use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language;
- continue sending e-mail messages to someone after being told to stop; and
- post derogatory information or statements about a person.

Abide by applicable laws and College policies and respect the copyrights and intellectual property rights of others, including the legal use of copyrighted software. Example: It is unacceptable to...

- illegally upload or download copyrighted music, movies, software, etc.;
- make more copies of licensed software other than the license allows;
- plagiarize works that you find on the Internet; and
- deliberately upload, download, distribute, or possess pornographic material.

SYSTEM ADMINISTRATORS' RESPONSIBILITIES

System administrators and providers of College information technology resources have the additional responsibility of ensuring the integrity, confidentiality, and availability of the resources they are managing. Individuals in these positions are granted significant trust to use their privileges appropriately for their intended purpose and only when required to maintain the system. Any private information seen in carrying out these duties must be treated in the strictest confidence, unless it relates to a violation or the security of the system.

Although information technology providers throughout the College are responsible for preserving the integrity and security of resources, security sometimes can be breached through actions

beyond their control. Users are urged to take appropriate precautions such as safeguarding accounts and passwords and promptly reporting any misuse or violations of the policy.

VIOLATIONS

Every member of the College community has an obligation to report suspected violations of the guidelines above or of the *Acceptable Use Policy for Information Technology Resources*. Reports should be directed to the department responsible for the particular system involved. Reported violations will be addressed in conformance with published College policy.

Wallace Community College is provided access to the Internet as a member of the Alabama Research and Education Network, which is supported by the Alabama Supercomputer Authority. Therefore, any users of the Internet are to be made aware of the *Acceptable Use Policy* of the Alabama Supercomputer Authority for full compliance of this policy.

DISCIPLINARY PROCEDURES

DISCIPLINARY ACTION BY FACULTY MEMBERS

With regard to a matter of academic dishonesty in taking a college course, the respective faculty members of the College are authorized to administer certain appropriate disciplinary action. If a given faculty member has substantial evidence of a student's having committed, attempted to commit, or solicited an act of cheating, plagiarism, or any other form of academic dishonesty, the faculty member shall have the authority to (1) impose a grade of **F** for the respective assignment or test; (2) impose an **F** for the respective course; (3) require that an assignment be redone or a test be retaken; or (4) impose other similar sanctions designed to preserve academic integrity. The faculty member shall not have the right to suspend or expel a student. That authority is reserved for the Dean, Student Affairs and Sparks Campus and the College Judiciary Committee. If the faculty member believes that the improper conduct should be subject to greater punishment, or additional punishment, then the case should be referred to the Dean, Student Affairs and Sparks Campus for disciplinary review. In any situation where a student is alleged to have committed academic dishonesty of any nature, the faculty member making the allegation shall within 3 working days after the alleged wrongful act or the faculty member's first knowledge of the act, give the student written notice of the allegation and give the student the opportunity to respond to each allegation made. The student shall have a maximum of 3 working days to respond to any allegation made. No disciplinary grade imposed by a faculty member shall be considered final unless and until the student has been given written notice of the alleged wrongdoing and the opportunity to respond. It is not necessary that the student give a response for a grade to be finalized, only that the student has been given an opportunity to respond and that the instructor give due consideration to any response that is made. Each instructor shall keep a confidential file of any and all written allegations of academic dishonesty and all actions taken with regard to such allegations. Any student against whom a sanction is imposed by a faculty member as a result of an

allegation of academic dishonesty shall have the right to appeal the sanction to the Dean, Student Affairs and Sparks Campus. The appeal must be filed with the Dean within 5 working days after the student is first made aware of the date that the decision has been made to impose a sanction and must include: (1) a copy of the faculty member's written allegations of academic dishonesty; (2) a statement of the sanction imposed; (3) the dates on which the student received the written allegation and on which the student responded to the allegation; (4) the nature of the student's response to the faculty member concerning the allegation; and (5) the rationale for the appeal of the sanction. The student shall have the option of admitting to the Dean, Student Affairs and Sparks Campus the act of academic dishonesty and proposing an alternative sanction or denying that academic dishonesty has been committed.

The Dean, Student Affairs and Sparks Campus shall, within 15 working days after receipt of the appeal, issue a report by which the Dean will (1) affirm the sanction; (2) overrule the sanction; or (3) modify the sanction. The Dean shall not overrule or modify any sanction imposed by a faculty member except where a compelling and substantial academic or legal reason exists for doing so.

If the Dean, Student Affairs and Sparks Campus determines that the student or organization is not guilty, the student or group will be cleared of all charges. If the student or organization is found guilty, the Dean, Student Affairs and Sparks Campus will delineate appropriate sanctions on a Wallace Community College *Sanction Agreement*. Upon administration of the *Sanction Agreement*, the student or organization will be offered the opportunity to select one of the following options:

- Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; or
- Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Judiciary Committee. Appeal requests must be made in writing within 5 working days to the Dean, Student Affairs and Sparks Campus. Students who desire to request that academic integrity issues be heard by the Judiciary Committee must follow steps 7-11 of the next section (*Disciplinary Procedures by Staff and Judiciary Committee*).

Any student or organization who fails to sign the *Sanction Agreement* as stated herein shall be deemed to have waived all rights to further appeal, and the sanctions imposed by the Dean, Student Affairs and Sparks Campus will be final.

DISCIPLINARY PROCEDURES BY THE STAFF AND JUDICIARY COMMITTEE

Individuals designated to handle disciplinary complaints at various College locations are the Director of Enrollment Services/Registrar on the Wallace Campus and the Coordinator, Student Services on the Sparks Campus. Procedures for filing complaints are presented below:

1. A complaint regarding the conduct of any student or organization may be filed by any person having personal knowledge of the alleged activity. The College may also file complaints.
2. Such complaints must be directed to the designated official at either campus and must be presented in writing. The written charge must define the specific charge and state the grounds for the charge.
3. The designated College official at either campus shall conduct, or have conducted, a thorough investigation of allegations within 10 working days from receipt of the written complaint. After the investigation, the student or organization will be offered an opportunity to admit to the charge, accept sanctions, and waive the right to a further hearing. If the student or organization denies the charge and in the designated College official's opinion, after a review of the complaint and information obtained in the investigation, enough probable cause exists to reasonably believe that the student or organization in question did commit the offense, the designated College official will discuss the complaint and evidence with the student or organization. The designated College official will offer the student or organization every opportunity to explain its actions. If sanctions are necessary, this action will be fully explained and prescribed in writing and administered by the designated College official by use of a Wallace Community College *Sanction Agreement*.
4. On administration of the *Sanction Agreement*, the student or organization will be offered the opportunity to select one of the following options:
 - Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; **OR**
 - Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Dean, Student Affairs and Sparks Campus.

Any student or organization that fails to sign the *Sanction Agreement* as stated above shall be deemed to have waived all rights to further appeal, and the sanctions imposed by the designated College official will be final.
5. On written appeal, the student or organization will be directed to the Dean, Student Affairs and Sparks Campus, who will hear the appeal and determine, based on evidence and testimony(ies), if the student or organization is guilty as determined by the designated College official and will determine appropriate sanctions. If the Dean, Student Affairs and Sparks Campus determines that the student or organization is not guilty, the student or group will be cleared of all charges. If the student or organization is found guilty, the Dean, Student Affairs and Sparks Campus will delineate appropriate sanctions on a Wallace Community College *Sanction Agreement*. This process will be completed within

10 working days. On administration of the *Sanction Agreement*, the student or organization will be offered the opportunity to select one of the following options:

- Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; **OR**
- Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Judiciary Committee.

Any student or organization that fails to sign the *Sanction Agreement* as stated herein shall be deemed to have waived all rights to further appeal, and the sanctions imposed by the Dean, Student Affairs and Sparks Campus will be final.

6. In the event that the student or organization requests a hearing before the Judiciary Committee or is brought before the Committee as a result of an interim suspension, the student or organization shall be provided with a written statement of the charges as filed to provide the student or organization reasonable notice of the conduct or circumstances on which the alleged violation is based. This statement shall be presented by the chairperson of the Judiciary Committee. The statement shall advise the student or organization that it is permissible to appear alone or with counsel before the Judiciary Committee and to be present during all phases of the hearing except during the committee's deliberation. Counsel shall not speak for or on behalf of the accused student or organization but may act only in an advisory capacity. Counsel may not question or cross-examine witnesses or committee members. Moreover, the statement shall set out that the advised student or organization will be provided the opportunity to present evidence and to conduct reasonable cross-examination of witnesses.
7. The hearing before the Judiciary Committee shall be scheduled as soon as it is practical but no later than 30 calendar days from the date of the student's or organization's meeting with the Dean, Student Affairs and Sparks Campus, or within 72 hours interim suspension.
8. A student or organization that is scheduled for a hearing before the Judiciary Committee and that fails to appear at the designated date, hour, and place of the hearing after notification thereof, shall be deemed to have waived the right to a hearing and the right to appear before the Judiciary Committee. The Judiciary Committee may then proceed with the hearing. If the accused student or organization is unable to attend the hearing for good cause at the appointed time, prior written notice of the inability to attend shall be submitted to the Dean, Student Affairs and Sparks Campus, where upon a new date shall be set by the Dean in coordination with the chairperson of the Judiciary Committee. Only one such extension shall be granted except where additional extensions would cause undue hardship to the student or organization.

9. The hearing before the Judiciary Committee shall not be conducted as a courtroom trial, but shall proceed as follows:

- One appointed faculty or staff member shall serve as chairperson of the Judiciary Committee. The chairperson shall screen the committee members prior to the hearing for any prejudicial knowledge. In the event of special prejudicial knowledge, those members may be replaced by the President or his or her designee with other qualified faculty or staff members and/or students. A simple majority of the members present will be allowed to make a judgment and render a decision in the matter with regard to a finding of guilty and imposition of appropriate disciplinary action. (A minimum of 3 committee members must be present to hear and rule on the case.)
- A record of all proceedings shall be kept in the form of a tape recording, and a copy may be reproduced at the expense of the accused student(s) or organization.

10. The chairperson assumes the following duties:

- Arranges for appropriate times and places for committee meetings and hearings.
- Informs, in writing when possible, the parties to the action being considered of the times and places of committee hearings, which they are requested or required to attend, and supplies them with a statement of the charge.
- Informs appropriate individuals that a hearing is pending.
- Arranges for the hearing to be electronically recorded.
- Conducts the hearing.
- Maintains committee records and all documents that will be presented to the Dean, Student Affairs and Sparks Campus after conclusion of the meeting.
- Informs, in writing, appropriate individuals of the decisions of the committee, to include findings and, if appropriate, sanctions.
- Arranges for appropriate security when necessary during hearings.

Proceedings shall open with the chairperson of the Judiciary Committee reading the following statement:

A College is an academic institution, not a courtroom or administrative hearing. The Judiciary Committee is not bound by the rules of legal evidence which would apply in a court proceeding. The committee is allowed to admit and consider evidence that might not be admissible in a court of law. This includes hearsay; however, evidence must be relevant to the charge.

Note: Formal rules of evidence shall not be observed in proceedings before the Judiciary Committee; however, the chairperson of the committee shall be authorized to exclude irrelevant, redundant, or unduly inflammatory evidence. The findings of the committee on the issue of violation(s) of the Code of Student Conduct will be based solely on evidence introduced at the hearing. Evidence of previous violations of rules and regulations or violations of local, state, or federal laws, ordinances, and regulations shall not be considered in any way by the committee in determining whether the violation charges were committed, but such evidence may be considered by the committee in consideration of the appropriate sanctions. They may also be introduced as evidence in rebuttal of any related character evidence introduced by the accused party.

The chairperson of the Judiciary Committee will then read the charge against the student or organization. The student or the organization's president shall then make a plea of guilty or not guilty. If the accused student or organization admits guilt, the committee will go directly into closed session to deliberate sanctions.

The plaintiff or his or her representative shall present the evidence against the accused student or organization. The accused student or organization will be afforded the opportunity for reasonable cross-examination.

The accused student or organization may then present evidence by oral testimony, witnesses, and/or written sworn affidavits. Reasonable cross-examination will be afforded.

Rebuttal evidence may be presented by either party as necessary but not so as to be redundant.

The accused student or organization may make a closing statement.

The plaintiff, College, and the accused student or organization may each have an attorney or other personal representative present to act as an advisor. The respective attorneys or personal representatives shall not be advocates and shall not question witnesses or have any role other than to act as advisors to the committee or the accused.

After presentation of all evidence, the Judiciary Committee shall enter closed session. The committee shall deliberate and make its determination of findings and determine appropriate sanctions if the student or organization is found guilty.

Once the Judiciary Committee has reached its decision, the student or organization and the student's or organization's counsel or advisor may return and be informed of the results.

If the accused student or organization is found not guilty, the hearing is ended. If the accused student or organization is found guilty, the chairperson of the Judiciary Committee will disclose the findings and sanctions determined by the committee. The student or organization shall then have an opportunity to make a statement to the Judiciary Committee, accepting the findings and sanctions recommended by the committee, or decline to accept the findings and sanctions. If the student or organization declines to accept the findings and sanctions imposed by the committee, an appeal may be filed with the President or designee. Appeals to the President or designee must be filed in accordance with procedures outlined in the *Appeals* section of this handbook.

The student or organization shall be provided with a written statement of the determination of the Judiciary Committee within 72 hours of the close of the hearing.

11. Appeal to the President or designee

The determination and sanction imposed by the Judiciary Committee are subject to review on appeal by the President of the College or his or her designee. The President of the College or designee has discretionary authority to modify or affirm the sanction(s) imposed by the Judiciary Committee, to exonerate the accused student or organization, and/or to order a rehearing of the case in question.

A student or organization has 5 working days from the day of the hearing and determination by the Judiciary Committee to request a review of the proceedings and/or the sanction. Such appeal request must be submitted in writing to the designated College official on either campus. Failure to request an appeal as stated herein shall be a waiver of a review by the President of the College or designee and all rights in relation thereto. Furthermore, failure to request an appeal as stated herein shall be an admission of the charges and a consent to the sanctions imposed by the Judiciary Committee.

A written appeal must expressly state the grounds of such appeal, which are limited to newly discovered evidence, violation of procedures, or that the imposed sanction was unduly harsh, improper, or lenient under the circumstances.

The designated College official may appeal the decision of the Judiciary Committee to the President of the College or his or her designee if the sanctions delivered are not appropriate or if the committee failed to act.

The student or organization shall be provided a written statement of the decision of the President or designee within seven working days from the date of filing the request for appeal.

Appealing to the President is the final step in the College's judiciary process; however, if a student wishes to appeal the

decision further, he or she may utilize the State Student Complaint Process outlined on page 243.

SANCTIONS

A student or organization deemed to be in violation of the *Code of Student Conduct* is subject to imposition of one or more of the following sanctions:

1. **Reprimand**—A written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.
2. **Restitution**—Compensation for damages to property owned by the college limited to the actual cost of repair or replacement.
3. **Probation**—This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein set out to be in subsequent violation of the *Code of Student Conduct* during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the committee.
4. **Voluntary Withdrawal**—A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Judiciary Committee; Dean, Student Affairs and Sparks Campus; or the complaint officer, in some circumstances, may specify a period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean, Instructional Affairs and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College).
5. **No Contact Orders**—Written notice to cease all contact with an alleged victim.
6. **Cease and Desist Orders**—The alleged perpetrator will be directed by written notice to cease and desist any activity noted by an alleged victim as offensive or threatening and that may be a violation of the Student Code of Conduct.
7. **Suspension**—Separation from the College for a definite period of time. A student may be suspended for a specific period of time not to exceed 2 years. To qualify for readmission after suspension, a student must receive approval from the Dean, Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for any refund from the College.

8. **Expulsion**—An indefinite termination of student status from the College for a period of not less than 2 years. To qualify for readmission after expulsion, a student must receive approval from the Dean, Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. Under certain conditions, expulsion could mean permanent severance from the College.

STUDENT ACADEMIC GRIEVANCES

The College has established policies and procedures to resolve student academic grievances that result from the acts or omissions of faculty members or administrators. This resolution should be achieved at the lowest level and in the most equitable way possible. The burden of proof rests with the complainant.

When students believe they have an academic grievance, they should first seek to resolve it by discussions with the faculty member or administrator involved. If these discussions are not satisfactory, the complaint should be taken to the next highest level listed in the following procedures. If the grievance arises from a classroom situation, students should take the following steps in seeking redress:

1. Consult with the instructor involved, in person or by written contact, no later than 12 calendar days following the incident.
2. If agreement on or compromise of the problem is not achieved within 3 instructional days, take the grievance to the appropriate Division Director.
3. If agreement on or compromise of the problem is not achieved within 3 instructional days, take the grievance to the appropriate Associate Dean.
4. If still not satisfied that a fair and equitable solution has been found within 3 instructional days, take academic grievances to the Dean, Instructional Affairs. The Dean will have 5 instructional days to review the case and attempt to find an equitable solution. If still not satisfied, move to step 5.
5. The student should read the *Judgments* section of this policy carefully before contacting the Dean, Student Affairs and Sparks Campus for a hearing before the Admissions and Academic Standards Committee.
6. As a last resort and only after steps 1-5 have been carried out or conscientiously attempted, a student may take a grievance in writing to the Dean, Student Affairs and Sparks Campus and the chairperson of the Admissions and Academic Standards Committee. The grievance must be filed within 20 instructional class days of the term following that in which the grievance occurred.

No instructor or administrator shall be allowed to delay resolution of an academic grievance by failing to hold a consultation with a student within a reasonable length of time of the initial request.

Normally, such consultation should occur immediately after receipt of the student request, unless bona fide reasons, such as illness, personal emergency, or campus absences for professional reasons make the time limit unreasonable.

In some instances when the personalities or problem involved would make starting at the level of the complaint too awkward or embarrassing, students may initiate a complaint at the next higher level listed.

TYPES OF GRIEVANCES

No list of grievance types can cover all contingencies that might arise; however, this procedure should resolve the following types of grievances, which are among those expressed most often by students.

1. Errors in calculating or recording quiz or other grades.
2. Improper lowering of a grade based on an alleged violation of an attendance policy.
3. Failure of a faculty member to follow College policies in conduct of classes or examinations.
4. Capricious or unreasonable actions by a faculty member or administrator that intimidate students or adversely affect their performance.
5. Failure of a faculty member to grade, return, and discuss assigned work within a reasonable time (e.g., before subsequent assigned work is scheduled for completion or before a subsequent examination).
6. Failure of a faculty member to provide the student with copies of grading policies, course requirements, course procedures, and changes in announced policies without due notice and explanation.

Some types of grievances should not be brought to the committee, although they may be brought to the attention of the Division Director and, if necessary, the appropriate dean so that a continuing administrative effort may be made to ameliorate problems. Such grievances should be addressed through the *General Complaint and Grievance Process* in this handbook. Examples of these grievances include:

1. Gross differences in grading by instructors teaching separate sections of the same course.
2. Personal habits of the instructor that distract students in their attempts to learn course material.
3. Fine distinctions in grading (e.g., the line between an *A* and a *B*, or between a *D* and an *F*) may be appealed only to the instructor.

4. Unannounced quizzes will not be considered a grievance, unless they are contrary to the class syllabus or information provided to the class by the instructor.

ROLE OF THE ADMISSIONS AND ACADEMIC STANDARDS COMMITTEE

The role of the Admissions and Academic Standards Committee shall be to hear academic grievances, to hear academic appeals for students who have been suspended from the College for academic reasons, and to provide input on College policies.

The chairperson shall be the administrative officer of the committee. The chairperson's duties shall include arranging appropriate times and places for committee meetings and hearings; informing committee members of the times and places of committee meetings and hearings; informing, in writing, all interested parties of the times and places of committee hearings that they are requested to attend and supplying them with a statement of alleged grievances; informing all other interested parties that a grievance is pending; securing and distributing to the committee written material appropriate for its consideration; arranging for recording of committee proceedings; maintaining committee records that are to be kept in a permanent file in the Office of the Dean, Student Affairs and Sparks Campus; and informing, in writing, appropriate individuals of the decisions of the committee.

Members of the committee may at any time disqualify themselves from consideration of any given case(s) because of personal bias. A simple majority of members present may rule on any request or issue before the committee.

Either party to the hearing may request of the chairperson, in writing, that any member or members of the committee be excluded from consideration of the case. Such a request must be for just cause and be brought to the chairperson's attention as the first step in the hearing.

PROCEDURES FOR HEARING

Each Admissions and Academic Standards Committee may establish and publish its own procedures in accordance with provisions for academic due process and in accordance with the stipulation stated below.

The only people present at meetings of the committee shall be committee members, parties to the action being considered by the committee and their representatives (not to exceed 2), witnesses actually testifying before the committee, and 2 representatives of the Student Affairs Division. The College and the complainant may have an attorney present during the hearing. The attorneys may only advise. They may not cross examine, question, or address the committee in any way.

The committee, as a whole, shall arrange for a swift and comprehensive investigation of the matter under consideration. It will then decide, on the basis of written statements and discussions

presented by the complainant and respondent, and review of evidence, whether or not sufficient grounds exist to hear a case and whether or not the committee will accept written statements in lieu of personal appearances by witnesses. If the committee decides that no sufficient grounds exist to hear a case and subsequently closes the case, it shall notify the complainant and respondent in writing as to the reasons for its actions.

If the committee determines that the case merits further consideration, the parties involved shall be informed in writing; consulted as to the possibility of correcting the situation; and, if a hearing is still required, be advised in writing of the scheduled time and place of the hearing.

At the hearing, the complainant, individuals directly involved, and witnesses may testify and be questioned by the opposite party and committee members. Only evidence presented in the hearings may be considered in the final judgment. Written statements by witnesses in lieu of personal appearance shall not be allowed except in rare instances. A record of the hearing, tape recorded or otherwise preserved, shall be reserved for reference and review until the case has been resolved finally.

JUDGMENTS

Committee members shall arrive at a judgment in consultation among themselves after the parties have been dismissed. Only members of the committee who have been present during all of the meetings and who have heard all testimony relating to the alleged grievance may vote on the case. A majority vote of such qualified members shall constitute a judgment. A decision of the committee relating to redress of grievances is final insofar as the committee is concerned.

The committee has been delegated by the President the authority to change or direct changes in student grades, faculty conduct, or other disputed areas. A course of action deemed appropriate by the committee shall be carried out unless the student or faculty member chooses to appeal the committee's decision to the President of the College or designee. The appeal must be made in writing to the President or designee no later than 7 calendar days after the date of the committee's decision and must be resolved within a maximum of 30 calendar days.

The President's decision is the final step in the College's Academic Grievance process. Any appeal beyond this point must be addressed under the State Student Complaint process outlined on page 243.

If redress requires a policy change or if a policy change appears advisable or necessary, the committee shall refer its recommendations to the President of the College or appropriate administrator.

ADA, OTHER CIVIL RIGHTS, AND TITLE IX COMPLAINT AND GRIEVANCE POLICIES AND PROCEDURES

Note: See *Sexual Misconduct Policy* for information regarding guidelines relating to sexual harassment and other sex-related misconduct.

CONSUMER COMPLAINT INFORMATION

Wallace Community College believes that all students should have easy access to a process for resolving conflicts, complaints, or grievances. Several policy and procedural statements are contained in this *Catalog and Student Handbook*.

Any member of the College community who believes that he or she has been the victim of sexual misconduct or any other form of discrimination, may bring the matter to the attention of any academic or administrative officer on any campus or instructional site. When a complaint has been reported to any of these individuals, the recipient of the complaint will forward the complaint to the Compliance Coordinator.

COMPLIANCE COORDINATORS

Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex. Sexual harassment is a form of discrimination that is illegal under *Title VII of the Civil Rights Act of 1964*, as amended, for employees and under *Title IX of the Education Amendments of 1972*, as amended, for students. Compliance Coordinators are listed below.

Other Civil Rights and Title IX Compliance Coordinator:

Ms. Jackie Screws, Dean, Student Affairs and
Sparks Campus—
334-556-2485

Other Civil Rights and Title IX Deputy Coordinator:

Ms. Debbie McCollough, Wallace Campus—334-556-2260

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disabilities. The Compliance Officer for Section 504 is listed below.

504 Compliance Coordinator:

Mr. Ryan Spry, Director of Student and Campus Services
—334-556-2587

The Americans with Disabilities Act of 1990 (ADA), as amended, provides that no otherwise qualified person shall be discriminated against in the provision of an educational service or benefit on the basis of disability. Wallace Community College endeavors to provide reasonable accommodations to qualified students with disabilities. Students needing disability services or information should contact the appropriate compliance coordinator as listed below.

ADA Compliance Coordinators:

Mr. Earl Bynum, Sparks Campus—334-687-3543, Ext. 4270

Mr. Ryan Spry, Director of Student and Campus Services—
334-556-2587

ADA, OTHER CIVIL RIGHTS, AND TITLE IX POLICY

Wallace Community College is committed to an environment conducive to learning and free from harassment or discrimination (intentional or implied) with regard to race, religion, disability, age, or national origin. A grievance process is in place to ensure the rights of all students with regard to unencumbered learning. Designated compliance coordinators assist students in resolving grievances at the lowest possible level or in accessing subsequent steps in the grievance process. Students are strongly encouraged to use this process if problems arise.

COMPLAINT AND GRIEVANCE PROCEDURES

Wallace Community College is committed to an environment conducive to learning and free from discrimination (intentional or implied) with regard to sex, race, age, national origin, religion, or disability. The following procedure is in place at Wallace Community College to provide recourse for any students who feel that their civil rights have been violated or that they have not been treated fairly with regard to those rights. The College recognizes two distinct levels of action: complaints and grievances.

COMPLAINT PROCEDURES**ADA, Other Civil Rights, and Title IX**

Students who desire to register a complaint regarding a College action under ADA, other civil rights, or Title IX shall, within 10 working days of an alleged violation, report the complaint to the Dean, Student Affairs and Sparks Campus. A conference will then be arranged with the appropriate College compliance officer. If the complaint is about the designated College compliance officer, the written complaint shall be sent directly to the President's Office. The President will assign the complaint to another administrator.

It shall be the responsibility of the designated College compliance coordinator to attempt to secure a solution to the complaint. The compliance coordinator will meet with the parties involved and attempt to solve the problem or address the concern in an informal session. If, after discussion, it is determined that the complaint can be resolved immediately, the designated College compliance officer will take action to resolve the complaint and will submit a written report to the President within 10 working days of filing the complaint. The report shall contain the original written complaint, a brief summary of any information essential to an understanding of the problem, and a description of the action taken. Copies will be sent to all parties involved in the discussion. Confidentiality will be observed in this process.

If, after discussion, it is determined that the complaint cannot be resolved immediately but requires instead a plan of resolution, the designated College compliance officer will submit a written report to the President within 10 working days of filing the complaint.

The report shall contain the original written complaint, a brief summary of any information essential to an understanding of the problem, and a description of the plan to resolve the problem. Copies will be sent to all parties involved in the discussion. This plan is subject to modification by the President or designee, who will inform the submitting designated College compliance officer in writing of any changes. Unless this duty is otherwise assigned by the President, the submitting designated College compliance officer has the responsibility of monitoring implementation of the plan and advising the President, in writing, when the plan has been completed.

If a student's complaint cannot be resolved at this level, such an unresolved complaint shall be termed a *grievance*.

GRIEVANCE PROCEDURES

The following grievance procedures are in place at Wallace Community College to provide recourse for students who believe that their civil rights have been violated and who have not been able to resolve the situation at the complaint level. The steps below shall be followed:

1. The original and two copies of *Grievance Form A* must be filed with the complainant's dean or division director within 30 calendar days following the date of alleged violation(s) of the Title IX regulation. The alleged violation(s) must be clearly and specifically stated. **(Complainant is advised to keep a copy of all forms used in steps 1-6 for his or her files.)**
2. Complainant's dean or division director will immediately notify the President and the Title IX Compliance Coordinator of receipt of *Grievance Form A*. The dean or division director will have 30 calendar days following the date of receipt of *Grievance Form A* to investigate and study the complainant's allegations, hold a formal hearing, and make a written report of findings to the complainant. *Grievance Form A* must be used for the report. Copies of *Grievance Form A* must be provided to the Title IX Compliance Officer and the President. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.
3. The complainant must, within 15 calendar days following receipt of the dean or division director's report, file with the President and Title IX Compliance Coordinator written notice of acceptance or appeal of the report. If a notice of appeal is filed, appeal *Grievance Form B* must be used. Complainant must state clearly and specifically on *Grievance Form B* the objections to the findings and/or decision of the dean or division director. Copies of *Grievance Form B* must be provided to the Title IX Compliance Coordinator and the President. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the dean or division director's report, the right to further appeal will be forfeited.

4. The President will have 30 calendar days following the date of receipt of the complainant's notice of appeal to investigate and study the complainant's allegations, the report of the dean or division director, and make a written report of findings to the complainant. *Grievance Form B* must be used for the report. Copies of *Grievance Form B* must be provided to the Title IX Compliance Coordinator and the Chancellor. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.
5. The complainant must, within 15 calendar days following receipt of President's report, file with the President and Title IX Compliance Coordinator a written notice of acceptance or appeal of the report. If notice of appeal is filed, appeal *Grievance Form C* must be used. The complainant must state clearly and specifically on *Grievance Form C* objections to the findings and/or decisions of the President. Copies of *Grievance Form C* must be provided to Title IX Compliance Coordinator and the Chancellor. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the President's report, the right to further appeal will be forfeited.
6. The Chancellor will have 30 calendar days following the date of receipt of the complainant's notice of appeal to investigate and study the complainant's allegations and report of the President, hold a formal hearing, and make written report of findings to the complainant. *Grievance Form C* must be used for the report. Copies of *Grievance Form C* must be provided to the Title IX Compliance Coordinator. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.

Note: *If the last day for filing the notice of appeal falls on either Saturday, Sunday, or a legal holiday, the complainant will have until 5:00 p.m. on the first working day following the 15th calendar day to file.*

HEARING PROCEDURES

If a hearing is scheduled within the time frame designated by the compliance officer, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. Compliance officers will not be required to serve as hearing officers. The hearing officer or committee shall notify the complainant and each respondent of the time and place of the hearing, the witness list, and the right to have an attorney or representative present. The only individuals present at meetings of this committee shall be committee members, parties to the action being considered by the committee and their representatives (not to exceed 2), and witnesses actually testifying before the committee. The institution and complainant may have an attorney present, at the respective party's expense, during the hearing. Attorneys may only advise; they may not cross examine, question, or address the committee in any way.

The grievance statement will be formally presented at the meeting. After the grievance is read into the record, the complainants will

have the opportunity to present such oral testimony and other supporting evidence as they shall deem appropriate to their claim. Respondents shall then be given the opportunity to present such oral testimony and other evidence they deem appropriate to the respondents' defense against the charges. No cross examination will be allowed. Either party may ask the hearing officer to ask a question of the other party and the hearing officer may or may not choose to do so. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respondent. In the event that the College is the respondent, the College representative shall not be an attorney unless the complainant is assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other electronic recording medium as agreed to by all parties in advance of the hearing. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

REPORT OF FINDINGS

Following the hearing, a written report of the findings shall be made to the President, the hearing officer, or the chairperson of the committee. The report shall contain at least the following items:

1. Date and place of the hearing.
2. Name of each member of the hearing committee.
3. List of all witnesses for all parties to the grievance.
4. Findings relevant to the grievance.
5. Decisions and recommended consequences.
6. Recommendation(s) to the President arising from the grievance and the hearing thereon.

NON-RETALIATION

No faculty member, administrator, staff member, applicant for employment, student, or member of the public may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice concerning any sexual misconduct, ADA, other civil rights, or Title IX matter; to file a complaint or grievance; or to serve as a witness or panel member in the investigation of a complaint or grievance.

FILING A FALSE REPORT

It is a violation of the faculty and staff and student conduct policies to file a false report.

CONTACT PERSONS AND COMPLIANCE COORDINATORS

Students are strongly encouraged to contact the Dean, Student Affairs and Sparks Campus if they need to use the grievance process for problems concerning sexual harassment, *The Americans with Disabilities Act of 1990, Section 504 of Title IX*, or other civil rights issues. The Dean, Student Affairs and Sparks Campus will direct students to the appropriate contact person.

SEXUAL MISCONDUCT POLICY

STATEMENT OF PROHIBITION

This policy prohibits all forms of sexual or gender-based harassment, discrimination, or misconduct, including but not limited to sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence. Sex discrimination in any form, including any form of sexual misconduct is contrary to Wallace Community College's values and is prohibited by College policies as well as local, state and federal laws, and the policies of the Alabama Community College System Board of Trustees. These behaviors are harmful to the well-being of our College community, the learning/working environment, and collegial relationships among our students, faculty, staff, and visitors. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including expulsion or termination of employment and referral to law enforcement authorities.

COMMITMENT TO ADDRESS SEXUAL MISCONDUCT

Wallace Community College is committed to providing an environment that is safe and conducive for learning and employment. Any behavior that threatens this environment is a violation of College policy. All members of the College community are strongly encouraged to report any incident of sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence directly to the Title IX Coordinator (Dean, Student Affairs and Sparks Campus) or the Deputy Title IX Coordinator (Director, Planning and Quality). Violations may also be reported to any "responsible employee" as outlined in this policy.

Upon receipt of a report, the College will take prompt and effective action by providing interim remedies to issues that threaten the safety and security of the victim and offering appropriate support. Additionally, the College will conduct a thorough review and investigation in an effort to address the alleged misconduct.

Retaliation against any person who makes a complaint or participates in the complaint process is a violation of College policy, and should be reported to the Title IX Coordinator or Deputy Coordinator. A finding of retaliation may result in disciplinary action in addition to any sanctions that may be imposed as a result of the underlying allegations of discrimination and/or harassment.

SCOPE OF POLICY

Jurisdiction of the Policy

This policy applies to related conduct occurring on College campuses and sites, College property or at College-sanctioned events or programs that may take place off campus. In particular, off-campus conduct that is likely to have a substantial adverse effect on or poses a threat of danger to any member of the College community or the College as a whole is covered under this policy.

Individuals Covered by the Policy

The policy applies to all members of the College community, including students, faculty, staff, administrators, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, conducting business or having any official capacity with the College or on College property.

Statement of Confidentiality

The College encourages victims of sexual violence to talk to a College official regarding alleged incidents so that the support needed may be provided and the College can respond appropriately. The College will make every effort to maintain confidentiality where possible and practical. Details regarding confidential resources are outlined further in this policy.

TITLE IX COORDINATORS

Title IX Coordinator:

Ms. Jackie Screws, Dean of Student Affairs
Sparks Campus, Administration Building, Room A15
(334) 556-2485
jscrews@wallace.edu

Deputy Title IX Coordinator:

Ms. Debbie McCollough, Director of Planning and Quality
Wallace Campus, Wallace Hall, Room 108
(334) 556-2260
dmccollough@wallace.edu

Responsibilities. It shall be the responsibility of the Title IX Coordinator or Deputy Coordinator to review and investigate reported incidents of sexual misconduct in accordance with this policy and recommend an appropriate solution to the President. It shall also be their responsibility to implement appropriate interim steps for the victim and the alleged perpetrator to preserve the safety and security of the victim and the College community.

The Title IX Coordinator or Deputy Coordinator can assist students and employees in filing formal complaints, or if a formal complaint is not desired, they will work with the complainant to address any concerns. They will also assist the complainant in notifying WCC Campus Police or local law enforcement authorities, if requested or deemed necessary. Additionally, these coordinators will assist the complainant in seeking appropriate assistance or making

referrals by:

- Describing the sexual assault response team (SART) process and resources SART members can offer;
- Identifying health care options;
- Ensuring that the victim is aware of the options for seeking treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services;
- Discussing the option for seeking medical treatment in order to preserve evidence;
- Identifying where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE); and
- Assisting in contacting an advocate who can accompany a victim to the hospital or health care provider.

PROHIBITED CONDUCT AND DEFINITIONS

The College prohibits all forms of sexual and gender-based harassment, including sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same or different gender. Each of the terms defined herein encompasses a broad range of behaviors. Within these broad contexts, the College prohibits the following conduct:

- a. **Sexual Harassment.** Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature. Sexual harassment is either hostile environment or quid pro quo when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement (quid pro quo);
 - Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing (quid pro quo);
 - Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile, or offensive work, learning, or social environment (hostile environment).

A third party may also file a complaint under this policy if the sexual conduct of others in the education

or work environment has the purpose or effect of substantially interfering with the third party's welfare or academic or work performance.

Examples of Prohibited Behavior

Prohibited acts that constitute sexual harassment may take a variety of forms and may include, but are not limited to, the following examples:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome, suggestive, or insulting sounds or whistles; obscene phone calls.
4. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or study area that may embarrass or offend individuals. Such material, if used in an educational setting, should have an educational purpose.
5. Unwelcome and inappropriate touching, patting, pinching, or obscene gestures.
6. Letters, notes or electronic communications containing comments, words, or images of a sexual nature.
7. Gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Consensual Relationships. Wallace Community College believes that consensual romantic and sexual relationships between faculty and staff members and students are generally deemed very unprofessional and very unwise because such relationships may result in a conflict of interest and/or a power differential between members of the College community. A faculty or staff member who enters into a sexual relationship with a student where a professional power differential exists must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on the grounds of mutual consent.

Wallace Community College regards as inappropriate any and all romantic relationships between students and instructors, or staff members who have any power over students. The College urges all faculty and staff members to refrain from beginning or continuing all such relationships since such behavior may be perceived as unwelcome, even if consensual, and can be seen at the time or later as sexual harassment. The College expects compliance with the position above by all instructors and staff members and hereby notifies the same that any violation of this policy leading to an allegation of sexual harassment may result in sanctions. Faculty or staff members must also be aware that Wallace Community College is potentially liable if sexual harassment can be proven.

- b. **Sexual Assault.** Having or attempting to have sexual intercourse with another individual by force or threat of force without effective consent; or where that individual is incapacitated or incapable of consenting.
 - i. **Non-Consensual Sexual Contact.** Any sexual touching other than non-consensual sexual penetration without consent. Examples of non-consensual sexual contact may include: genital-genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including contact over clothing; removing the clothing of another person; and kissing.
 - ii. **Non-Consensual Sexual Penetration** (commonly referred to as rape). Any act of vaginal or anal penetration by a person's penis, finger, other body parts or an object; or oral penetration by a sex organ, without consent.
 - iii. **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - i. **Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- iii. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.

- d. **Sexual Exploitation.** Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact. Examples include, but are not limited to recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations.)
- e. **Dating Violence.** The term dating violence is not defined by Alabama law as such. However, the term is incorporated into the definition of the domestic violence because the definition of domestic violence includes dating or engagement relationships.
- f. **Stalking.** A course of physical or verbal conduct directed at another individual that could cause a reasonable person to feel fear for her or his safety or the safety of others, or to suffer substantial emotional distress. Stalking may include, but is not limited to, pursuing or following a person in person or through electronic media (cyberstalking); non-consensual (unwanted) communication by any means (i.e. letters, cards, photos, text messages, phone calls, emails, or other documentary or electronic communications); unwanted gifts; trespassing; and surveillance or other types of observation.
- g. **Intimate Partner Violence.** Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. It includes any act of violence or threatened act of violence sexual or otherwise against a partner of a current or former sexual, dating, domestic or other intimate relationship with that person.
- h. **Domestic Violence.** Domestic violence is any incident resulting in the abuse, assault, harassment or the attempt or threats thereof, between families, households or dating or engagement relationship members.

OTHER DEFINITIONS AND TERMS

- a. **Consent.** Consent is an act of reason and deliberation. A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another. In the matter of sexual misconduct, consent is a voluntary agreement to engage in sexual activity by an individual who has the capacity to do so. Someone who is

incapacitated cannot provide consent. Past consent does not imply future consent; silence or an absence of resistance does not imply consent; consent to engage in sexual activity by one person does not imply consent to engage in sexual activity with another; the manner in which an individual is dressed does not imply consent; the existence of a prior or current relationship does not imply consent; accepting a meal, a gift, or invitation for a date does not imply or constitute consent to further activity; consent can be withdrawn at any time (no means no); and coercion, force, or threat of either invalidates consent.

- b. **Incapacitation.** Incapacitation is a state or condition that renders an individual unable to make qualified and rational decisions (i.e., a condition resulting from the use of drugs or alcohol, when a person is asleep or unconscious or because of an intellectual or other disability that prevents him/her from having the capacity to give consent.)
- c. **Victim.** A person who has been the subject of a prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.
- d. **Complainant.** A victim who has made a complaint of a violation of the Sexual Misconduct Policy, or on whose behalf a complaint was made or disciplinary action initiated.
- e. **Respondent.** The individual(s) who is accused of a prohibited conduct.

CONFIDENTIALITY

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. All College employees who are involved in the College's Title IX response process have received specific instructions about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy of all individuals involved in a manner that allows the College to conduct a thorough review of the issue.

“Responsible Employees”

A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. Responsible employees at the College include:

- Title IX Coordinator
- Title IX Deputy Coordinator
- Campus Report Officers
- Campus Police Officers
- Full-time Faculty, Staff, and Administrators

- College Counseling Staff (Source for Confidential Reporting)

When a victim tells a responsible employee about an incident of sexual misconduct or violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator or Deputy Coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to a source for confidential reporting. Confidential sources are outlined further in this policy (Options for Assistance following An Incident of Sexual Misconduct.)

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator or Deputy Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including requesting that the College fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to do so.

Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the victim. Although rare, there are times when the College may not be able to honor a victim's request. This is the case when safety and security is a factor. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In all cases of sexual

misconduct that is a crime, the College has an obligation to include the incident in its annual security report in accordance with the Clery Act requirements.

It shall be the responsibility of the Title IX Coordinator or Deputy Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator or Deputy Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as whether:
 - o There have been other sexual violence complaints about the same alleged perpetrator;
 - o The alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - o The alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - o The sexual violence was committed by multiple perpetrators;
- The sexual violence was perpetrated with a weapon;
- The victim is a minor;
- The College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and/or
- The victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and will work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College may not require a victim to participate in any investigation or disciplinary proceeding. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these services);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests;
- Inform the victim of the right to report a crime to campus police or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Because the College is under a continued obligation to address issues of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Privacy and confidentiality have distinct meanings under this policy.

- a. **Privacy.** Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.
- b. **Confidentiality.** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.
- c. **Requests for Confidentiality.** Where a complainant requests that his/her name or other identifiable information not be shared with the Title IX officers or requests that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for the College community and to remain true to principles of

fundamental fairness that require notice and an opportunity to respond before action is taken against the accused. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the complainant and the accused, whether there have been other complaints or reports of harassment or misconduct against the accused, and the rights of the accused to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator or Deputy will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against the accused. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against the accused or revealing the identity of the complainant.

Privileged and Confidential Communications

This section of the policy is intended to make students and employees aware of other reporting and confidential disclosure options available to them so they may make informed choices about where to turn should they become a victim of sexual violence or harassment. The College encourages victims to talk to someone identified in one or more of these College groups if they wish to keep their identity confidential.

- a. **College Counseling Staff** - Individuals who work in the on-campus counseling office on the Wallace Campus and the Student Services office on the Sparks Campus, including the Director of Student and Campus Services, the Coordinator of Student Services and clerical staff, are available to talk to and assist a victim. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim's identity or the fact that the victim has disclosed the incident. While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator or Deputy Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator or Deputy Coordinator informed of the general extent and nature of sexual violence on and off campus so they can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses on behalf of the College. Before reporting any information to the Title IX Coordinator or Deputy Coordinator, these individuals will consult with the victim

to ensure that no personally identifying details are shared during the reporting process.

- b. **Professional Counselors or Agency Resource Groups acting on behalf of the College** – Professional, licensed counselors and referral agencies who provide mental-health counseling and support to members of the College community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator or Deputy Coordinator without a victim's permission.

Note: A victim who speaks to a professional counselor, agency resource group, or College counselor must understand that, if he/she wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim's advocacy; academic support or accommodations; disability, health or mental health services; and changes to working environment or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to change his or her mind.

It is further noted that while these professional counselors, agency resource groups, College counselors and advocates may maintain a victim's confidentiality regarding an incident of sexual misconduct, they may have reporting or other obligations under state law such as mandatory reporting requirements to law enforcement in the case of minors; imminent harm to self or others; and the requirement to testify if subpoenaed in a criminal case. **Specifically, when a report involves suspected abuse of a minor under the age of 18, the College is required by law to notify local law enforcement and the local agency for child protective services.**

Additionally, if the College determines that the alleged perpetrator(s) poses a serious and immediate threat to the College community, **Campus Police or the College Security Officer (Dean, Business Affairs)** will be called upon to issue a timely warning to the College community. Any such warning should not include information that identifies the victim.

OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

Immediately upon notice of an incident the College will make every effort to assist the victim in seeking assistance from on-campus and off-campus advocates and counselors who can provide a response. On-campus advocates which include the College counseling staff and Title IX Coordinators will assist by providing support in navigating the reporting process and providing information regarding resources that may be utilized by sexual assault victims. Assistance may be obtained through the following resources:

TITLE IX COORDINATORS

Title IX Coordinator:

Ms. Jackie Screws, Dean of Student Affairs and Sparks Campus
Location: Sparks Campus, Administration Building, Room A15
(334) 556-2485
jscrews@wallace.edu

Deputy Title IX Coordinator:

Ms. Debbie McCollough, Director of Planning and Quality
Location: Wallace Campus, Wallace Hall, Room 108
(334) 556-2260
dmccollough@wallace.edu

Confidential Sources:

Name	Title	Location	Phone/Email
Ms. Amanda Wise	Student Success Coordinator	Wallace Campus Grimsley Hall, Rm 120	(334) 556-2261 awise@wallace.edu
Ms. Brandy Dowdey	Student Success Coordinator	Wallace Campus Grimsley Hall, Rm 119	(334) 556-2294 bdowdey@wallace.edu
Mr. Earl Bynum	Coordinator of Student Service	Sparks Campus Admin Bldg., Rm A11	(334) 687-3546, Ext. 4270 ebynum@wallace.edu

Other Campus Resources (Campus Security Authorities):

WCC Campus Police:

Wallace Campus in Dothan

Officer Seth Brown
Location: Campus Police Station
(334)798-1381
sbrown@wallace.edu

Sparks Campus in Eufaula

Officer Richard Thornton
Location: Administration Building, Room A27
(334)798-1228
rthornton@wallace.edu

Note: Campus Police officers work in coordination with local law enforcement agencies throughout the College's service area and they have the authority to make arrests.

Community Sources:

Local Law Enforcement Officials

Dale County Sheriff's Department	(334) 774-2335
Dothan Police Department	(334) 615-3601
Eufaula Police Department	(334) 687-1200

Medical Facilities

Southeast Alabama Medical Center, Dothan, AL	(334) 793-8111
Flowers Hospital, Dothan, AL	(334) 793-5000
Medical Center Barbour, Eufaula, AL	(334) 688-7000
Dale Medical Center, Ozark, AL	(334) 774-2601

Sexual Assault Crisis Assistance

Alabama Coalition Against Sexual Assault, www.acasv.org	
The House of Ruth	
Crisis Line	(334) 793-2232 or 800-650-6522
Crime Victims Assistance	(334) 290-4420

ONGOING ASSISTANCE

The Counseling staff at the College will assist victims of sexual assault with ongoing support by providing appropriate counseling or referral services. Students will be assisted with any academic accommodations that may be necessary including, but not limited to, schedule modifications, withdrawal from class, modifications in work-study schedules, etc.

REPORTING PROCEDURES

The following procedures are in place at Wallace Community College to provide recourse for any student, faculty or staff member who has been the victim of sexual misconduct. The College recognizes two distinct levels of action, complaints and grievances.

Complaint Procedures (Informal Resolution)

Students or employees who desire to file a complaint regarding a violation of the Sexual Misconduct Policy may report the incident to the Title IX Coordinator or Deputy Coordinator. Incidents may also be reported to any Responsible Employee at any time; however, individuals are encouraged to report incidents within ten (10) working days of an alleged violation. This will maximize the College's ability to effectively investigate and act upon an alleged violation. The College employee will immediately report the incident to the Title IX Coordinator or Deputy Coordinator. If the complaint is about the designated Title IX Coordinator, the complaint will be sent directly to the President's Office. The President will assign the complaint to another administrator.

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to sexual misconduct complaints. This process will be kept as informal and confidential as may be appropriate. The 10-day request is in no way intended to limit a complainant's right to assistance after that time period but rather is to ensure a timely resolution of any complaint.

After receiving notice of allegations of sexual misconduct, the Title IX Coordinator or Deputy Coordinator will schedule an intake meeting with the complainant in order to provide the general information regarding the policy and the reporting process, advise the individual of his/her rights, identify any interim intervention measures that may be appropriate, and identify resources for obtaining immediate support. During the intake meeting, the Title IX Coordinator or Deputy Coordinator and the complainant will discuss alternatives for proceeding with the complaint, including whether the complainant wishes to pursue an informal resolution, file criminal charges, if appropriate, or whether the complainant wants to pursue a resolution of any kind.

It shall also be the responsibility of the designated College compliance officer to attempt to secure a solution to the complaint. The compliance officer will meet with the parties involved and attempt to solve the problem or address the concern in an informal session. If, after discussion, it is determined that the complaint can be resolved immediately, the designated College compliance officer will take action to resolve the complaint and will submit a written report to the President within 10 working days of receipt of the complaint. The report shall contain the original written complaint, a brief summary of any information essential to an understanding of the problem, and a description of the action taken. Copies will be sent to all parties involved in the discussion. Confidentiality will be observed in this process where possible and practical.

If appropriate, the Title IX Coordinator or Deputy Coordinator will schedule a meeting with the accused in order to provide him/her with an overview of the policy, advise him/her of associated rights, and identify forms of support or immediate intervention available to him/her.

In all complaints of alleged sexual misconduct, the College will conduct an investigation, if appropriate, and take prompt action to support and protect the complainant, including taking steps to provide **interim actions** before a final resolution to the complaint has been reached.

Interim actions to ensure safety and security and provide assistive services may include but not be limited to:

- Imposing a no-contact order;
- Arranging schedule adjustments, including changing course sections, making arrangements for online instruction or withdrawing;
- Rescheduling exams and/or assignments;
- Providing increased monitoring or supervision;
- Adjusting work environment or job assignments; and
- Providing medical services;

The Title IX Coordinator or Deputy Coordinator will be responsible for the implementation of interim measures and coordinating them with appropriate offices.

Associated Rights

WCC will afford any student or employee who reports that they have been the victim of an incident of sexual violence, either on campus or off-campus during a College sanctioned activity, with the following information and rights:

- Possible sanctions or protective measures that may result from an institutional disciplinary proceeding (See Complaint and Hearing Proceedings below for additional information.);
- Procedures that should be followed in the event of an incident of sexual violence including:
 - o The importance of preserving evidence for proof in criminal proceedings;
 - o To whom the offense should be reported;
 - o Options for reporting to law enforcement. College officials will assist victims in reporting to the appropriate authorities;
 - o The right to decline to report to law enforcement;
 - o Information about no contact orders issued by a court.
- Notification about existing counseling, health, mental health, victim advocacy, legal assistance and other services available on and off-campus.
- Notification that the College will comply with requests for interim accommodations made by a victim where reasonably available whether or not a formal report is filed. Interim accommodations are addressed earlier in this policy.
- In addition to reporting to law enforcement, victims also have the option to seek protective or disciplinary action directly with the College.
- Proceedings will be conducted by officials who receive annual sexual violence training, training on conducting investigations.
- Both the victim and respondent are entitled to the same opportunities to have others present during proceedings, including the opportunity to be accompanied to any related meeting or hearing by an advisor of their choice.
- Both the accuser and accused shall be simultaneously informed, in writing, of:

- o The outcome of any College disciplinary proceeding;
 - o The procedures for the accused and the victim to appeal the results of the proceeding;
 - o Any change to the results;
 - o When such results become final.
- Notification will be given that in addition to any criminal or civil actions which may be pending or in process, the College reserves the right to separately pursue appropriate disciplinary action against a respondent(s). The College also reserves the right to place an accused employee on paid administrative leave during the investigation and/or hearing of any allegation of violation of this policy.

Sanctions Imposed by Title IX Coordinators

During the complaint process, the Title IX Coordinator or Deputy Coordinator shall have the authority to impose any sanction that will result in the resolution of the complaint to include the following:

- **Reprimand** - written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.
- **Restitution** – Compensation for damages to property owned by the college limited to actual cost of repair or replacement.
- **Probation** – This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein to be in subsequent violation of the Code of Student Conduct during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the Title IX Coordinator or Deputy Coordinator.
- **No Contact Orders** – Written notice to cease all contact with an alleged victim of sexual misconduct.
- **Cease and Desist Orders** – The alleged perpetrator will be directed by written notice to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Sexual Misconduct Policy.
- **Voluntary Withdrawal** - A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Title IX Coordinator or Deputy Coordinator, in some circumstances, may specify a period of time before the

student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean, Instructional Affairs and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College.)

- Other requests of the victim as deemed appropriate.
- For violations of this policy by faculty or staff members, disciplinary penalties may include some of the sanctions listed above as appropriate, in addition to other penalties (in accordance with the employment laws, regulations, and policies governing the employee in question):
 - o Counseling or training;
 - o Written warning;
 - o Reprimand;

All sanctions imposed by the Title IX Coordinator or Deputy Coordinator must be approved by the President. If a student or employee complaint cannot be resolved at the complaint level, or if more stringent sanctions are appropriate, such an unresolved issue shall be termed a grievance.

Grievance Procedures (Formal Resolution)

The following grievance procedures are in place at WCC to provide recourse for students or employees who believe that they have been the victim of sexual misconduct and who have not been able to resolve the situation at the complaint level. The steps below shall be followed:

1. The original and two copies of Grievance Form A must be filed with the Title IX Coordinator or Deputy Coordinator within 30 calendar days following the date of the complaint. The alleged violation(s) must be clearly and specifically stated. (Complainant is advised to keep a copy of all forms used in steps 1-6 for his or her files.)
2. The Title IX Coordinator or Deputy Coordinator will immediately notify the President of receipt of Grievance Form A. The Title IX Coordinator or Deputy Coordinator will have 30 calendar days following the date of receipt of Grievance Form A to investigate and study the complainant's allegations, hold formal meetings with the accused, witnesses and other parties involved, and make a written report of findings to the complainant. Grievance Form A must be used for the report. Copies of Grievance Form A must be provided to the President. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.

3. The complainant must, within 15 calendar days following receipt of the Title IX Coordinator's or Deputy Coordinator's report, file with the President and the Title IX Coordinator written notice of acceptance or appeal of the report. If a notice of appeal is filed, Grievance Form B must be used. Complainant must state clearly and specifically on Grievance Form B the objections to the findings and/or decision of the Title IX Coordinator or Deputy Coordinator. Copies of Grievance Form B must be provided to the Title IX Coordinator and the President. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the Title IX Coordinator's or Deputy Coordinator's report, the right to further appeal will be forfeited.
4. The President or designee will have 30 calendar days following the date of receipt of the complainant's notice of appeal to investigate and study the complainant's allegations, the report of the Title IX Coordinator or Deputy Coordinator, and make a written report of findings to the complainant. Grievance Form B must be used for the report. Copies of Grievance Form B must be provided to the Title IX Coordinator and the Chancellor of the Alabama Community College System. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.
5. The complainant must, within 15 calendar days following receipt of President's or designee's report, file with the President or designee and Title IX Coordinator a written notice of acceptance or appeal of the report. If notice of appeal is filed, appeal Grievance Form C must be used. The complainant must state clearly and specifically on Grievance Form C objections to the findings and/or decisions of the President or designee. Copies of Grievance Form C must be provided to Title IX Coordinator and the Chancellor. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the President's report, the right to further appeal will be forfeited.
6. The Chancellor will have 30 calendar days following the date of receipt of the complainant's notice of appeal to investigate and study the complainant's allegations and report of the President or designee, hold a formal hearing, if appropriate, and make written report of findings to the complainant. Grievance Form C must be used for the report. Copies of Grievance Form C must be provided to the Title IX Coordinator. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.

Note: If the last day for filing the notice of appeal falls on either Saturday, Sunday, or a legal holiday, the complainant will have until 5:00 p.m. on the first working day following the 15th calendar day to file.

Appropriate forms for filing a grievance under this policy may be found on the College Web site under the Sexual Misconduct Policy link.

Hearing Procedures

If a hearing is scheduled within the time frame designated by the Title IX Coordinator or Deputy Coordinator, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. The Title IX Coordinators will not be required to serve as hearing officers. The hearing officer or committee shall notify the complainant and each respondent of the time and place of the hearing, the witness list, and the right to have an attorney or representative present. The only individuals present at meetings of this committee shall be committee members, parties to the action being considered by the committee and their representatives (not to exceed 2), and witnesses actually testifying before the committee. The institution and complainant may have an attorney present, at the respective party's expense, during the hearing. Attorneys may only advise; they may not cross examine, question, or address the committee, complainant, or the respondent in any way.

The grievance statement will be formally presented at the meeting. After the grievance is read into the record, the complainant(s) will have the opportunity to present such oral testimony and other supporting evidence as appropriate to the claim. Respondents shall then be given the opportunity to present such oral testimony and other evidence deemed appropriate to the respondents' defense against the charges. No cross examination will be allowed. Either party may ask the hearing officer to ask a question of the other party. The hearing officer may or may not choose to do so. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respondent. In the event that the College is the respondent, the College representative shall not be an attorney unless the complainant is assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other electronic recording medium as agreed to by all parties in advance of the hearing. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

Report of Findings

Following the hearing, a written report of the findings shall be made to the President, the hearing officer, or the chairperson of the committee. The report shall contain at least the following items:

1. Date and place of the hearing.
2. Name of each member of the hearing committee.
3. List of all witnesses for all parties to the grievance.

4. Findings relevant to the grievance.
5. Decisions and recommended consequences.
6. Recommendation(s) to the President arising from the grievance and the hearing thereon. Any recommendations or sanctions imposed by the hearing committee must be approved by the President.

Sanctions and Recommendations Imposed by Hearing Committee

- **Reprimand** - written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.
- **Restitution** – Compensation for damages to property limited to actual cost of repair or replacement.
- **Probation** – This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein set out to be in subsequent violation of the Code of Student Conduct during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the Title IX Coordinator or Deputy Coordinator.
- **No Contact Orders** – Written notice to cease all contact with an alleged victim of sexual misconduct.
- **Cease and Desist Orders** – The alleged perpetrator will be directed by written notice to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Sexual Misconduct Policy.
- **Voluntary Withdrawal** - A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Title IX Coordinator or Deputy Coordinator, in some circumstances, may specify a period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean, Instructional Affairs and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College).
- **Suspension** - Separation from the College for a definite period of time. A student may be suspended for a specific period of time not to exceed two (2) years. To qualify for readmission after suspension, a student must receive

approval from the Dean, Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for any refund from the College.

- **Expulsion** - An indefinite termination of student status from the College for a period of not less than two (2) years. To qualify for readmission after expulsion, a student must receive approval from the Dean, Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. Under certain conditions, expulsion could mean permanent severance from the College.
- Other Requests of the victim as deemed appropriate.
- For violations of this policy by faculty or staff members, disciplinary penalties (in accordance with the employment laws, regulations, and policies governing the employee in question) may include:
 - o Counseling or training;
 - o Written warning;
 - o Reprimand;
 - o Suspension with or without pay;
 - o Demotion;
 - o Termination;
 - o Other requests of the victim as deemed appropriate.

NON-RETALIATION REQUIREMENT

No student, faculty or staff member, administrator, applicant for employment or admission, or member of the public may be subject to retaliation, interference, coercion, intimidation, or reprisal for actions taken in good faith to seek advice concerning any sexual misconduct, ADA, other civil rights, or Title IX matter; to file a complaint or grievance; or to serve as a witness or panel member in the investigation of a complaint or grievance. A finding of retaliation may result in disciplinary action in addition to any sanctions that may be imposed as a result of the underlying allegations of discrimination and/or harassment.

FILING A FALSE REPORT

It is a violation of College policies for any student, faculty or staff member, or administrator to file a false report against another individual.

COORDINATION WITH LAW ENFORCEMENT

The College encourages complainants to pursue criminal action for incidents of sexual harassment, sexual violence and intimate partner violence that may also be crimes. The College will assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. Neither law enforcement's determination whether to prosecute or not prosecute an alleged perpetrator, nor the outcome of any criminal prosecution, are determinants of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

RECORDS

The Title IX Coordinator will retain records of all reports and complaints, regardless of the nature of the resolution. Complaints resolved during the informal complaint process may become part of a student's conduct file, depending on the nature of the offense but will not be included as a part of the academic record or of an employee's personnel file.

Affirmative findings of responsibility in matters resolved through the grievance or formal resolution process will become part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel file. Additionally, the College will comply with all requirements under the Jeanne Clery Act as amended and will report crimes associated with the College as required.

PREVENTION AND EDUCATION

Wallace Community College is committed to preserving the safety and security of the College environment and will implement activities designed to prevent incidents of sexual misconduct, inform members of the College community of their rights under the Sexual Misconduct Policy; inform members of prohibited conduct; identify prevention measures, and provide information regarding reporting protocols. The College's prevention and education program will include but will not be limited to:

- Annual training and awareness programs for current employees and students;
- Orientation for new employees and students that will educate them about the College's Sexual Misconduct Policy and prevention measures that may be utilized;
- Information regarding the Sexual Misconduct Policy on the College's Web site;
- Information on bystander intervention; and

- Implementation of a campus sexual misconduct awareness campaign.

TRAINING

Wallace Community College will ensure that all College employees, including those officials involved in redressing incidents of sexual misconduct are trained on an annual basis through the College's Professional Development process and through external resources when appropriate.

GENERAL COMPLAINT AND GRIEVANCE PROCEDURES

Procedures outlined in this section do not apply to the following areas: Academic Grievances, Sexual Misconduct, Civil Rights, Americans with Disabilities Act, Title IX, Motor Vehicle Violations, Educational Records, and Financial Aid. Complaints and/or grievances regarding these issues have been addressed in other sections of this *Catalog and Student Handbook*.

Wallace Community College promotes the open exchange of ideas among all members of the College community, including students, faculty and staff members, and administrators; however, the College recognizes that, at times, people may have differences that they are unable or unwilling to resolve without intervention. The procedures described below shall be available to any Wallace Community College student who feels that he or she has **not** been treated fairly or that College policies have been applied to them inappropriately. The steps outlined are designed as means of resolving complaints at the lowest level possible or in accessing subsequent steps in the grievance procedure.

COMPLAINTS OR GRIEVANCES RELATING TO THE INSTRUCTIONAL DIVISION

1. The student discusses his or her concern directly with the faculty member or college official involved. The complaint may be made in person or by written contact no later than 10 instructional days following the incident. The appropriate **faculty member or college official** will have 5 instructional days to attempt to informally reach an agreeable solution.
2. If an agreeable solution is not reached within 5 instructional days as noted above, the student will have 3 instructional days to appeal the issue and report it in writing to the appropriate division director. The **division director** will have 5 instructional days to investigate the issue and attempt to reach an agreeable solution.
3. If an agreeable solution is not reached within 5 instructional days from receipt of the appeal as noted in **step 2**, the student will have 3 instructional days to appeal the issue and report it in writing to the appropriate instructional coordinator. The **instructional coordinator** will have 5 instructional days to

investigate the issue and attempt to reach an agreeable solution.

4. If an agreeable solution is not reached within 5 instructional days from receipt of the appeal as noted in **step 3**, the student will have 3 instructional days to report the issue to the Dean, Instructional Affairs. The **Dean, Instructional Affairs** will have 5 instructional days to investigate the issue and attempt to reach an agreeable solution.
5. If an agreeable solution is not reached within 5 instructional days from receipt of the appeal as noted in **step 4**, the student will have 3 instructional days to report the issue to the President or the President's designee. The **President or President's designee** will have 10 instructional days from receipt of the appeal to appoint a fact-finding committee to investigate the issue and attempt to reach an agreeable solution. **The decision reached at this level in the process is the final step in the College's process;** however, any student wishing to appeal beyond this point may utilize the State Student Complaint process on page 243.

COMPLAINTS OR GRIEVANCES RELATING TO OTHER COLLEGE DIVISIONS

1. The student discusses his or her concern directly with the college official involved. The complaint may be made in person or by written contact no later than 10 instructional days following the incident. The **college official** will have 5 instructional days to attempt to informally reach an agreeable solution.
2. If an agreeable solution is not reached within 5 instructional days as noted above, the student will have 3 instructional days to appeal the issue and report it in writing to the appropriate immediate supervisor. The **immediate supervisor** will have 5 instructional days to investigate the issue and attempt to reach an agreeable solution.
3. If an agreeable solution is not reached within 5 instructional days from receipt of the appeal as noted in **step 2**, the student will have 3 instructional days to appeal and report the issue in writing to the dean of the division. The **dean of the division** will have 5 instructional days to investigate the issue and attempt to reach an agreeable solution.
4. If an agreeable solution is not reached within 5 instructional days from receipt of the appeal as noted in **step 3**, the student will have 3 instructional days to appeal the issue and report it in writing to the President or the President's designee. The **President or President's designee** will have 10 instructional days from receipt of the appeal to appoint a fact-finding committee to investigate the issue and attempt to reach an agreeable solution. **The decision reached at this level in the process is the final step in the College's process;** however, any student wishing to appeal beyond this point may utilize the State Student Complaint process on page 243.

Any student who is uncertain of which college official to report a complaint under this section should seek guidance from the Dean, Student Affairs and Sparks Campus.

POLICIES AND PROCEDURES FOR PRIVACY OF STUDENT EDUCATIONAL RECORDS

To comply with requirements of the *Family Educational Rights and Privacy Act of 1974* (FERPA), Wallace Community College has established the following policies and procedures. Wallace Community College accords all rights under the law to students who are declared independent. For the purpose of this policy, whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student. Responsibility for protection of the privacy of student educational records rests primarily with the Director of Enrollment Services/Registrar. Educational records are defined by FERPA to include records, files, documents, and other materials that contain information directly related to students and are maintained by an educational agency or institution or by a person acting for such agency or institution. Six exceptions to this definition of educational records are published in the *2012 FERPA Guide*, a publication of the American Association of Collegiate Registrars and Admissions Officers.

Education records *do not* include:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except temporary substitute for the maker of the record.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8.
3. Records relating to an individual who is employed by an educational agency or institution, that:
 - a. are made and maintained in the normal course of business;
 - b. relate exclusively to the individual in that individual's capacity as an employee; and
 - c. are not available for use for any other purpose. (N.B. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b) (3) (i) [see page 154] of this definition.)
4. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

- a. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity;
 - b. made, maintained, or used only in connection with treatment of the student; and
 - c. disclosed only to individuals providing treatment. For the purpose of this definition, "treatment" does not include remedial educational activities that are part of the program of instruction at the agency or institution.
5. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
 6. Grades on peer-graded papers before they are collected and recorded by a teacher.

STUDENT ACCESS TO EDUCATIONAL RECORDS

All students have the right to review their educational records with the following exceptions as outlined by FERPA:

1. Financial information submitted by parents.
2. Confidential letters and recommendations placed in student files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which they were specifically collected.
3. Confidential letters and statements of recommendation, placed in the records after January 1, 1975, to which the students have waived their right to inspect and review and that are related to the students' admission, application for employment or job placement, or receipt of honors.
4. Educational records containing information about more than one student; however, in such cases the College must allow access to that part of the record that pertains only to the inquiring student. Wallace Community College does not provide copies of educational records, except transcripts, unless geographic distance precludes students from effectively having access to their educational records.

To review records, students and former students may go to the Admissions and Records Office, present a valid photo identification card, and ask to review the record. If it is an inappropriate time to retrieve the record or is short notice, students may be requested to complete a *Request to Review Educational Records* form in the Admissions and Records Office. Because of various circumstances, the College may delay, up to a maximum of 45 days, release of the records for review. The College is not required to provide access to records of applicants for admission who are denied acceptance or, if accepted, do not attend.

Wallace Community College does not provide copies of the contents of student records unless a student is not within commuting distance of the College and is, therefore, physically unable to be present to view the records on campus. A photocopying fee of \$.25 per sheet will be assessed.

CHALLENGE OF THE CONTENTS OF EDUCATIONAL RECORDS

Students may challenge information in their educational records that they believe to be incorrect, inaccurate, or inappropriate. This challenge must be in writing and must be submitted to the appropriate records custodian, who is responsible for the records in question, if they do so within one year of the term in question. The records custodian must decide within a reasonable period of time whether corrective action will be taken and must provide written notification to the student and the Director of Enrollment Services/Registrar of the corrective action that has been approved. Students who are not provided full resolution sought by their challenge must be referred to the Dean, Student Affairs and Sparks Campus who will inform them of their right to a formal hearing. Students must make their request for a formal hearing in writing to the Dean, Student Affairs and Sparks Campus. The following procedures apply:

1. The hearing panel that will adjudicate such challenges will be the Admissions and Academic Standards Committee.
2. Within a reasonable period of time after receiving the written request for a hearing, the chairperson of the Admissions and Academic Standards Committee must inform students of the date, place, and time of the hearing, reasonably in advance of the hearing.
3. Students will be afforded a full and fair opportunity to present evidence relevant to the issue raised. They may be assisted or represented at the hearing by one or more individuals of their choice, including an attorney, at their own expense.
4. Decisions made by the Admissions and Academic Standards Committee must be in writing, must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. The decision should be delivered in writing to the student; the Dean, Student Affairs and Sparks Campus; and the Director of Enrollment Services/Registrar.
 - a. The Admissions and Records Office will correct or amend the educational record in accordance with the decision of the hearing, if the decision is in favor of the student, and inform the student in writing of the amendment.
 - b. Should Wallace Community College decide not to amend the record in accordance with the student's request, the Director of Enrollment Services/Registrar must inform the student of the following:

- (1) The student has the opportunity to place with the educational record a statement commenting on the information in the record or a statement setting forth any reason for disagreeing with the decision of the hearing.
- (2) The statement placed in the educational record by the student will be maintained as part of the record for as long as the record is held by Wallace Community College.
- (3) This record, when disclosed to an authorized party, must include the statement filed by the student.

DISCLOSURE OF EDUCATIONAL RECORD INFORMATION

Wallace Community College shall obtain written consent from students before disclosing any personally identifiable information from their educational records. Such written consent must (1) specify the records to be released, (2) state the purpose of the disclosure, (3) identify the party or class of parties to whom disclosure may be made, and (4) be signed and dated by the student.

The *Family Educational Rights and Privacy Act of 1974* (FERPA) states that certain information from student records may be classified as *directory information*. The following information has been declared by Wallace Community College as directory information:

- Name
- Address
- Telephone listing
- Date of birth
- Participation in officially recognized activities and sports
- Major field of study
- Weight and height of a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent educational institution attended
- Photographs
- Enrollment status
- E-mail address

This information will be released to inquiring individuals or agencies unless students sign a *Do Not Release Directory Information* form during the first two weeks of the term. These forms are available from the Admissions and Records Office on the Wallace Campus in Dothan and the Student Affairs Office on the Sparks Campus in Eufaula. **THIS FORM MUST BE RESUBMITTED ANNUALLY.**

The *Family Educational Rights and Privacy Act of 1974* (FERPA) established rules stating that some personnel and agencies may have access to students' educational records without their written consent. Wallace Community College will disclose information

from a student's educational record only with the written consent of the student except as follows:

1. To officials within the College who have been determined by the College to have a legitimate educational interest in the records. School officials include counselors and instructors who are involved in counseling students, administrators who assist in counseling and who advise students with other problems, professional and clerical staff members who directly relate to the administrative tasks of the College, College law enforcement officials, and College attorneys.

A school official has a legitimate educational interest if the official is performing a task that is specified in his or her job description or by a contract agreement, performing a task related to a student's education, or performing a task related to the discipline of a student. When doubt is raised by the Director of Enrollment Services/Registrar about an individual's need to know or legitimate educational interest in having access to specific information, the issue shall be decided by the President of Wallace Community College.

2. To certain officials of the United States Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
 3. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of that aid.
 4. To state and local officials to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
 5. To organizations conducting specific studies for or on behalf of Wallace Community College.
 6. To accrediting organizations to carry out their accrediting functions.
 7. To parents of eligible students who claim the students as dependents for income tax purposes. Determining dependency, as defined by *Section 152 of the Internal Revenue Code*, requires a copy of the parents' most recent *Federal Income Tax Form*.
- In case of a divorce, separation, or custody when only one parent declares the student as a dependent, Wallace Community College will grant equal access to the student's educational records on demonstration of dependency as described above.
8. To appropriate parties in a health or safety emergency, subject to a determination by the President or deans.

9. To personnel complying with a judicial order or lawfully issued subpoena, including Ex Parte orders under the USA Patriot Act, provided that the Admissions and Records Office makes a reasonable attempt to notify students in advance of compliance.

Note: Wallace Community College is not required to notify students if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the College not to disclose the existence or contents of the subpoena.

10. To an alleged victim of any *crime of violence or non-forcible offense* (as that term is defined in 18 U.S.C. 16) of the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
11. To officials of another institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
12. To the student.
13. Information that Wallace Community College has designated as *Directory Information*.
14. The disclosure concerns sex offenders and other individuals required to register under state or federal law.

Wallace Community College will inform parties to whom personally identifiable information is released that they are not permitted to disclose the information to others without the written consent of the student. The College will maintain a record of all requests for and/or disclosure of information from a student's educational records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

A list of the types of records that Wallace Community College maintains, their locations, and their custodians is provided is provided at the end of this handbook.

ANNUAL NOTIFICATION OF FERPA RIGHTS

Wallace Community College will give annual notice to current students of their rights under the Act by publishing information in this *Catalog and Student Handbook* and by disseminating the *Annual Notification Statement* in a student e-mail. New students will receive information concerning their rights under the Act through distribution of the *New Student Orientation Guide* during Student Orientation, Advising, and Registration (SOAR).

FACSIMILE (FAX) RECORDS

Wallace Community College honors FAX requests to send official transcripts to third parties and -will accept FAX transcripts for advising purposes only. An official transcript is required for admission to the College.

COMPUTER ACCESS TO RECORDS

Wallace Community College has established policies for initially instructing and periodically reminding school officials of FERPA's confidentiality requirements before it gives them access to the computer system. These school officials are informed of the criteria Wallace Community College uses to determine legitimate educational interest and of their responsibility for assuring that access is not abused.

STUDENTS RIGHTS AFTER CEASING ATTENDANCE OR AFTER GRADUATION

Students who have ceased attendance or have graduated from Wallace Community College have basically the same FERPA rights as students currently attending, including the right to (1) inspect their educational records, (2) have a hearing to amend an educational record, and (3) have their educational record privacy protected by Wallace Community College. Former students do not have the right to request of Wallace Community College non-disclosure unless they asked, at their last opportunity as students, that no directory information be disclosed.

PRIVACY RIGHTS OF DECEASED STUDENTS

For 25 years following the death of a student, release of educational record information will not be made unless authorized by the student's parents or the executor or executrix of the deceased student's estate.

DRUG AND ALCOHOL ABUSE— STANDARDS OF CONDUCT AND ENFORCEMENT

Wallace Community College is a public educational institution of the State of Alabama and, as such, shall not allow on its premises or at any activity it sponsors the possession, use, or distribution of any alcoholic beverage or any illicit drug by any student, employee, or visitor. If such prohibited possession, use, or distribution by a student or employee is confirmed, Wallace Community College shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate. For a student, the disciplinary action may include, but is not limited to, suspension, expulsion, and/or arrest or referral to the appropriate law enforcement agency. Any visitor engaging in any act prohibited by this policy shall be called on to immediately cease such behavior.

If any student or visitor shall engage in any behavior prohibited by this policy which is also a violation of federal, state, or local law or ordinance, that employee, student, or visitor shall be subject to referral to law enforcement officials for arrest and prosecution. Contact any College counselor for specific and detailed