



WALLACE
COMMUNITY
COLLEGE

Dothan • Eufaula

2025-26
Student Handbook

WALLACE.EDU

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Student Affairs Philosophy

Each member of the Student Affairs staff at Wallace Community College is dedicated to the belief that all people should have the opportunity to reach their maximum potential. The functions of Student Affairs are admissions, advising, career planning, counseling services, job placement, records, services for special student populations, student activities, student financial services, and testing services.

Student Rights and Responsibilities

Wallace Community College desires to make provisions for students to be as knowledgeable as possible regarding College policies and procedures and their rights and responsibilities relating to them. The information in this section and the sections that follow are designed to clarify information pertaining to rights granted to students and responsibilities students should fulfill as members of the Wallace Community College family.

Submission of an [Application for Admission](#) to Wallace Community College represents a voluntary decision on the part of the prospective student to participate in the programs offered by the College and pursuant to the policies and procedures of the College, the Alabama Community College System, and state and federal agencies where applicable. College approval of a student's application, in turn, represents the extension of a privilege to join the College community and to remain a part of it as long as he or she meets the required academic and behavioral standards.

Each individual student is guaranteed the privilege of exercising his or her rights without fear or prejudice. Such rights include, but are not limited to, the following:

- Students are free to pursue their educational goals.
- No disciplinary sanctions may be imposed on a student without the recourse of due process, except as outlined in the Student Code of Conduct.
- Free inquiry, expression, and assembly are guaranteed to all students, provided their actions do not interfere with the rights of others or the effective operation of the College.
- Academic evaluation of student performance will be neither arbitrary nor capricious.
- Students and prospective students have the right to review certain relevant information concerning College graduation and completion rates and any instances of campus criminal activity.

Within the limits of its facilities on both campuses and sites, Wallace Community College will be open to all persons without regard to sex, race, creed, religion, age, marital status, disability, or national origin. It is the responsibility of the College to publish its educational objectives and to make available the criteria it will use in evaluating student success in all programs. It is the responsibility of the student to acquaint him- or herself with these objectives and criteria as published and set forth by the College. The facilities and services of the College will be available to all enrolled students, provided they are used in a manner that is appropriate to an academic environment and with regard to College policies and operating procedures.

The *Student Code of Conduct* of Wallace Community College addresses behavior and actions that have an adverse impact on the achievement of educational goals. It is the responsibility of the student to become familiar with the regulations governing student conduct and to adhere to policies where applicable. Lack of knowledge regarding College policies will not excuse any student from adherence to policies or sanctions that may be imposed for violations. The College reserves the right to dismiss any student whose conduct and behavior pose a threat to the College environment or the health, safety, or security of others.

Activities and Organizations

Student service on College committees

Wallace Community College is committed to planning and implementing activities and experiences that are conducive to facilitating student achievement of personal and professional goals. Pursuant to that end, students serve, when appropriate, as voting members of College standing committees and have all rights and responsibilities associated with committee membership.

Athletics

Wallace Community College participates in intercollegiate men's baseball, women's softball, men's and women's golf, and men's and women's cross country as a member of the National Junior College Athletic Association and Alabama Community College Conference. Interested students should contact the Athletic Department (334-556-2587) for more information.

Extracurricular Activities

The College provides opportunities for participation in student government, as well as various clubs and social functions. Active efforts have been made to help develop a well-rounded program of recreational, social, cultural, and co-curricular activities that will contribute to the student's enjoyment of college life, personal growth, and social development. Annual and semester activities are scheduled on both campuses to provide additional events for students.

Student Publications

The College has maintained a commitment to student publications for many years and values the learning experiences available to students who desire to participate in producing student publications. Any publication containing opinions and editorial content must be the responsibility of the student organization publishing it.

The College has a responsibility to ensure that participating students are adequately informed concerning issues related to responsible journalism. The advisors of student organizations oversee the production of any student publications, offer guidance to student participants, and ensure their awareness and understanding of the rights and responsibilities of a free press.

The College supports a free student press and expects students participating in the production of student publications to uphold the highest standards of journalistic responsibility and integrity, but it reserves the right to reject and/or edit material submitted for inclusion in any publication, including, but not limited to, newsletters, flyers, and brochures. Any student publications containing announcements intended to provide timely information about College and community events must also be reviewed by the advisor of the respective organization to ensure that the contents of the publication are accurate and meet the intended purpose.

Student-Developed Intellectual Property

Wallace Community College will maintain ownership rights to student-developed intellectual property when the student's work is part of a larger work for which Wallace Community College owns all or part of the intellectual property rights, **unless one of the following conditions is met prior to the student's beginning the work:**

1. The student obtains a signed agreement between the student and the Wallace Community College Dean, Instructional Affairs, which provides that the student has exclusive or shared rights to the student-developed work; **OR**
2. The student obtains written notice from the Dean, Instructional Affairs stating that the student owns the larger work and that the student will own any intellectual property rights in the work.

Procedures for Approval Of Off-Campus Activities

Student organizations desiring to host off-campus activities must gain approval by the appropriate College official. This approval begins with the submission of a *Student Activity Request Form* (available on Sharepoint, Quick Links, Student Life Forms). This form must be submitted by the organization advisor a minimum of 14 working days prior to the event to be considered.

Social Functions

Social functions, such as parties, dances, activities, guest speakers, or other entertainment must be sponsored by recognized campus organizations. College facilities are made available for such activities when possible. Approval for such activities begins by submitting a *Student Activity Request Form*, which may be obtained on Sharepoint. Wallace Community College students who bring guests or visitors onto College property or to any College-sponsored activity are responsible for their conduct.

Organizations

Student organizations on the Wallace Campus include:

- Association of Student Practical Nurses
- Biotechnology Club
- Black Student Union
- Fellowship of Christian Athletes (FCA)
- Hermanos y Hermanas Unidos
- History Club
- Leadership Development Program
- Phi Theta Kappa
- WCC Philosophical Society
- Respiratory Therapy Student Association
- Rotaract
- Sigma Kappa Delta

- SkillsUSA
- Society of Physics Students
- Student Government Association
- Wallace Association of Nursing Students
- The Wallace Express
- The Wallace Sound, and
- Wallace Theater.

Student organizations on the Sparks Campus include:

- Esports Club
- The Association of Student Practical Nurses
- Leadership Development Program
- Phi Theta Kappa
- SkillsUSA, and
- Student Government Association.

Students should contact the Student Life Coordinator on the Wallace Campus or the Student Services Coordinator on the Sparks Campus for specific, written information concerning campus organizations, formation of new organizations, club advisors (eligibility and role), policies and procedures related to campus organizations, and other related matters.

Expressive Activities Policy

Wallace Community College respects your need to engage in expressive activities on either of the two campuses. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, including any lawful verbal, written, or electronic communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions. **Expressive activities inside the College buildings are prohibited.**

To engage in an expressive activity on the College grounds, a College Community member (as explained in the Expressive Activity Policy below) must complete the [Expressive Activity Request form](#) or contact the Student Life Coordinator's office. The Director of Student and Campus Services on the Wallace Campus or the Coordinator of Student Services on the Sparks Campus serves as the approval authority for Expressive Activities. Permission is subject to the Expressive Activities Policy and the College Rules and Regulations.

Policy 224.01 Expressive Activities by the Campus Community

In accordance with Act 2019-396 of the Alabama Legislature and the ACCS Board of Trustees' Policy 224.01: Expressive Activities by the Campus Community, effective December 9, 2020, Wallace Community College's implementing policy on Expressive Activities by the Campus Community is as follows:

1. Findings.

The Wallace Community College finds the following:

1. A primary function of Wallace Community College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and to fulfill that function, Wallace Community College will strive to ensure the fullest degree possible of intellectual freedom and free expression.
2. It is not the proper role of Wallace Community College to shield individuals from speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Alabama of 1901, including without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.
3. Students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and spontaneously and contemporaneously assemble, speak, and distribute literature.
4. Wallace Community College supports free association and will not deny a student organization any benefit or privilege available to any other organization based on the expression of the organization, including any requirement of the organization that the leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.
5. Wallace Community College will strive to remain neutral, as an institution, on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the institution, and Wallace Community College will not require students, faculty, or staff to publicly express a given view of a public controversy.
6. Wallace Community College prohibits all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

2. Speech and Expression in Outdoor Areas, Invited Speakers, and Security.

1. For purposes of this policy, the "Campus Community" includes Wallace Community College's students, administrators, faculty, and staff as well as the invited guests of the College and the College's recognized student organizations (including organizations seeking recognition), administrators, faculty and staff.
2. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of Wallace Community College's campuses that enjoy general access during regular hours of College operation, subject to the limitations described

below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, including any lawful verbal, written, or electronic communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions.

3. Outdoor areas where expressive activities are not allowed include areas of restricted access as identified by the College:
 1. Areas within 25 feet of classrooms and Athletic facilities;
 2. Areas being used as outdoor classrooms,
 3. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
4. This policy does not apply to expressive activities that take place in indoor areas of Wallace Community College property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Wallace Community College policies and ACCS Board of Trustees Policy 507.01, subject to the requirement that Wallace Community College must be open to any speaker whom Wallace Community College's student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
5. Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on Wallace Community College property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. A member of the Campus Community or a Student Organization can sponsor an outdoor expressive activity by completing the Expressive Activity Request form by clicking this link ([Expressive Activity Request](#)). The Student Life Coordinator on the Wallace Campus or Coordinator of Student Services on the Sparks Campus serve as the approval authority for outdoor Expressive Activities.
6. To appeal any denial of the Expressive Activities, the sponsor must appeal in writing to the Dean of Student Success and Sparks Campus. The Dean will investigate the rationale for the denial and provide a ruling on the appeal within ten business days. If the sponsor disagrees with the Dean's ruling, the sponsor can make a final appeal to the President or his/her designee in writing. This written appeal must expressly state the grounds of such an appeal based on the Dean's ruling within seven working days of receiving this ruling. Appealing to the President or his/her designee is the final step of the Expressive Activities appeal process.
7. Outdoor expressive activities must be approved by completing the Expressive Activity Request form which will designate the area for this activity. After the expressive activity's approval, the Student Life Coordinator will coordinate these activities with the sponsor by completing the **Internal Use of Campus Facilities** form.
8. Conduct that may materially and substantially disrupt the functioning of Wallace Community College or infringe upon the rights of others to engage in expressive activities may include:
 1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
 2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
 3. Violations of a state, federal or local law, regulation, or ordinance;
 4. Camping or sleeping overnight on the College grounds is not allowed;
 5. Threats to passersby or the use of fighting words, which are words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
 6. Following, badgering, or forcibly detaining individuals;
 7. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
 8. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
 9. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;
 10. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
 11. Engaging in expressive activities in prohibited or restricted areas as defined in the, Speech and Expression in Outdoor Areas, Invited Speakers, and Security section C;
 12. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
 13. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.
9. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.
10. Wallace Community College will provide police and/or security officers and use other security measures to ensure all participants' safety, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity. Please know that these customary fees for security at the College are subject to change.
 1. If the organizer of the event or the College determines that security is needed for an event, beyond what the College typically provides during regular hours of operation, the organizers of the event will be charged a fee based on the number of expected attendees. An updated fee schedule for security will be provided by the Police Chief's office at Wallace Community College upon request.
 2. The President may waive this security fee, but may not base the decision based on the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the Campus Community or to the public.

11. Wallace Community College may also charge a fee for the use of campus facilities, such as for the use of ITS resources or cleanup costs. These fees will not be based on the content of the expressive activity. ITS fees are notated on the Use of the Facility Application form.
12. To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security are expected to provide sufficient notice to the Wallace Community College, Chief of Police at (334) 983-3521, at least one week in advance of the event. Such arrangements enable Wallace Community College to ensure the event takes place in a safe and constructive manner.
13. Individuals and groups who engage in expressive activity in outdoor areas on Wallace Community College property are subject to Wallace Community College policies relating to use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, tobacco, and trespass. Wallace Community College prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events. Refer to the Student Handbook, College Catalog, or the Personnel Handbook for more information.
14. Wallace Community College shall not permit the Campus Community members to engage in conduct that materially and substantially disrupts protected expressive activity or infringes on the right to engage in expressive activity. Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action. Disciplinary sanctions for members of the Campus Community under Wallace Community College's jurisdiction who violate this subsection shall be handled through the Judiciary Committee.
15. Nothing in this policy shall be construed to prevent Wallace Community College from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:
 1. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
 2. Expressions that a court has deemed unprotected defamation.
 3. Harassment.
 4. True threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
 5. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
 6. An action that unlawfully disrupts the function or security of the institution.
 7. Any constitutional time, place, and manner restrictions for outdoor areas of campus when they are narrowly tailored to serve a significant institutional interest and when the restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria, and provide for ample alternative means of expression.
16. Complaints and questions regarding the application of this policy should be addressed in accordance with [General Complaint and Grievance Procedures](#) outlined in College Catalog.

3. **Commercial Activity on Campus**

Individuals, organizations, and groups, both internal and external to Wallace Community College, may not conduct commercial transactions or engage in commercial speech on Wallace Community College property unless authorized pursuant to ACCS Board of Trustees Policy 515.01 and approved by the President in advance.

Commercial speech means speech in which the speaker is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. Fundraising, including political fundraising, is considered solicitation and therefore deemed commercial speech under this policy.

4. **Policy Distribution.**

This policy will be included in new student, new faculty, and new staff orientation programs. Wallace Community College shall disseminate this policy to all campus community members and make this policy available in handbooks and our website.

5. **Relationship to Other Policies.**

This policy shall supersede and nullify any previous Wallace Community College policies that could regulate speech on Wallace Community College campuses. However, this policy is not intended to supersede, nullify, or amend any Wallace Community College policy that regulates the reservations and use of interior spaces on campus or charge incidental fees for the use of such spaces.

6. **Annual Report.**

Wallace Community College will submit an annual report to the Chancellor and Board of Trustees by August 15 for the prior 12-month period ending July 31 that includes the following:

1. The date and description of each violation of this policy.
2. A description of the administrative handling and discipline relating to each violation.
3. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
4. Any additional assessments, criticism, commendations, or recommendations Wallace Community College sees fit to include.

Campus Regulations

Student ID Policy

The College requires **ALL** students to possess a photo student identification (ID) to aid in the security of the campuses. Students can obtain a digital or standard ID as the official means of identification at Wallace Community College; however, students attending courses that physically meet on any of the College campuses **must** obtain a standard photo ID each academic year.

Students are required to have IDs in their possessions while on campus. Individuals without proper identification will be asked what business they have on campus. If the answer is satisfactory (i.e., potential applicant filing for admission or financial aid, visitors on campus tour), individuals will be allowed to continue with their business and immediately leave campus upon completing that business. If individuals claim to be students, the College officials will ask for their student ID. If none can be provided, the individuals will be asked to leave the campus until they can return with a valid Wallace Community College student ID. The College Police will escort individuals off campus if they fail to produce the proper ID.

Students are required to obtain either a digital ID or ID card by the second week of class for attendance verification, as faculty members will not allow a student to attend class without a proper ID.

Students who obtain digital IDs will be required to answer authentication questions before digital IDs are issued. Students who obtain a standard, printed ID card will be required to present proper government-issued photo identification before an ID card is issued. For student ID pictures, Wallace Community College requires individuals to remove any items not worn as part of their daily appearance (i.e., prescription eyeglasses). The only exceptions are items worn for cultural or religious purposes. All bandannas, hats, sunglasses, visors, etc., should be removed before taking your ID picture.

Code of Student Conduct

As members of the learning community at Wallace Community College, students have a number of rights, privileges, and responsibilities. Those rights and privileges include the right to sound and professionally presented instructional programs and the right to due process in instances involving disciplinary actions or academic grievances.

The *Code of Student Conduct* is the standard of conduct by which students and organizations are expected to abide. They shall be aware of the Code and know they will be held accountable for its provisions. By enrolling at the College, a student or organization neither relinquishes rights nor escapes the responsibilities of local, state, or federal laws and regulations. The College has an interest in maintaining an environment that is conducive to its educational mission as well as the health, safety, and well-being of all students and other individuals. Students and organizations are obligated to abide by the rules and policies established by the College. Students at the College are considered responsible adults, serious of purpose, and enrolled for the primary purpose of furthering educational goals. It is assumed that students enrolling at the College are mature, have a desire for constructive learning, and are attending with that purpose in mind. Common courtesy and cooperation are expected of all students. Interference, injury, or intentional attempt to injure or interfere with the personal or property rights of any person—whether a student, member of the College community, or a visitor to the College—is strictly prohibited.

Note: Faculty, staff members, and students should note that any expectation of confidentiality does not include any illegal act. Faculty and staff members are required to notify law enforcement and College officials when they learn of a criminal act.

Application

The *Code of Student Conduct* applies to individual students and student organizations and is applicable to on- and off-campus College functions. Any student or group involved in unacceptable or prohibited conduct shall be disciplined in a manner commensurate with the nature and severity of the act of misconduct.

Any indication of facts that could cause imminent danger or harm to the health, safety, and welfare of the students, faculty members, other individuals, or College property, or any indication of mental or physical harassment of students (hazing) by an organization or student may result in immediate interim suspension of the organization or student by the designated College official on either campus. This interim suspension may continue only for a period of 72 hours until such time that a disciplinary hearing is held to consider the matter. The hearing shall be conducted by the Judiciary Committee.

Imposition of the sanctions stated above may be stayed pending appeal, at the discretion of the President of the College, on written request by the student or organization.

Misconduct

Student conduct is expected to be in accordance with standards of common decency and decorum, with recognition of and respect for the personal and property rights of others and the educational mission of the College. A student shall be subject to disciplinary action by the

College, up to and including permanent expulsion, for misconduct on any property owned or controlled by the College; or off College property at any function that is authorized, sponsored, or conducted by the College; or in parking lots adjacent to areas or buildings where College functions are being conducted. Such misconduct shall include, but is not limited to, the commission of or attempt to commit any of the following acts:

1. Any form of dishonesty, including cheating, knowingly furnishing false information to the members of the College faculty or to any other officer or employee of the College, and alteration or use of College documents or instruments of identification with intent to defraud (cheating is defined as dishonesty in completing academic assignments, such as having in one's possession materials other than those specifically approved by one's instructor during tests; submission of work that was prepared by someone else to an instructor as one's own work; plagiarism, representation of someone else's writing or ideas as one's own; and assistance in the foregoing practices).
2. Plagiarism is the act of using the words and/or work of another author and attempting to pass it on as one's own work. An example of plagiarism includes, but is not limited to, a student's submitting, under his or her own name, an essay, report, research paper, or some other assignment that has been written in part or in whole by another person. Plagiarism also occurs when a pattern exists of failing to document and punctuate materials from research sources appropriately (as designated by the instructor and the research style that the instructor requires and publishes to his or her students) and/or the consistent failure to document accurately and in proper style any material that is not common knowledge, which the student has included in an assignment.
3. [Forging, altering, or misusing College documents, records, or identification.](#)
4. Issuing a worthless check made payable to the College or to its Bookstores. A student will be notified by the Business Office when a check for tuition, books, fees, or other charges is returned for insufficient funds. The student will have 72 hours in which to satisfy that obligation. If the obligation is not satisfied in that time, the student's enrollment will be voided.
5. Failure to properly comply with any reasonable direction given by a College official acting within the capacity and performance of his or her position.
6. Violation of written College rules, policies, or regulations.
7. Obstruction or disruption of teaching, research, administration, service, disciplinary procedures or policies and/or procedures of clinical affiliates while at their sites, other College activities, or other activities on College premises.
8. Destruction, damage, or misuse of College, public, or private property. The student is responsible for any damage done to College property.
9. Conduct in violation of federal or state statutes or local ordinances that threatens the health and/or safety of the College community or that could adversely affect the educational environment of the College.
10. Conviction of any misdemeanor or felony that adversely affects the educational environment of the College.
11. Obtaining College services by false pretenses including, but not limited to, misappropriation or conversion of College funds, supplies, equipment, labor, materials, space, facilities, or services.
12. Hazing is any mental or physical requirement or obligation placed on a person by a member of any organization, or by an individual or group of individuals that could cause discomfort, pain, or injury or that violates any legal statute or College rule, regulation, or policy. Hazing is defined as, but is not limited to, striking; laying open hand on; treating with violence or offering to do bodily harm to a person with the intent to punish or injure the individual; or other treatment of a tyrannical, abusive, shameful, insulting, or humiliating nature. Hazing is any action taken or situation created, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule, including servitude often called personal favors. The College does not approve of or condone hazing; thus, activities of this nature shall be dealt with promptly and sternly.
13. Lewd, obscene, licentious, or indecent conduct or verbal or written threat of such action against another person, including sexual misconduct. See Sexual Misconduct Policy for specific details.
14. Harassment, intimidation, bribery, physical assault, or any other means, implied or explicit, to influence any member of a judicial body named in the Code, including witnesses, faculty members, staff members, and students before, during, or after a hearing. Organizations shall be responsible for the actions of their individual members, alumni, advisors, or others in this type of situation.
15. Possession of firearms or weapons (including hunting guns, bows, crossbows, etc.), ammunition, explosives, fireworks, or any other danger instruments in any building or classroom, and on any College-owned property in violation of Alabama Law 2013-286.
16. Intoxication from, or the possession and/or consumption of, any alcoholic beverage or non-prescribed controlled substance.
17. Unauthorized manufacture, sale, delivery, or possession of any drug or drug paraphernalia defined as illegal under local, state, or federal law.
18. Theft, accessory to theft, and/or possession and/or transportation and/or sale of stolen property.
19. Physical abuse, threat of violence, intimidation, and physical or mental harassment.
20. Trespassing or unauthorized entry.
21. Entering false fire alarms, tampering with fire extinguishers, alarms, or other safety equipment.
22. Publishing, aiding in publishing, circulating, or aiding in circulation of anonymous publications or petitions of a libelous, slanderous, scurrilous, or unduly offensive nature.
23. Smoking or use of any tobacco product on any College property.
24. Playing a device such as a tape player, radio, or other electronic device in hallways, classrooms, or any other place where such activity would interfere with normal activity of the College.
25. Any form of illegal activity defined by state or federal law or municipal ordinance.
26. Disruptive or disorderly conduct that interferes with the rights and opportunities of those who attend the College to use and enjoy College facilities.
27. Failure to obtain clearance from an instructor to leave a class, lab, clinical, or campus during class and/or clinical hours.
28. Failure to wear appropriate dress for the department in which the student is enrolled. Appropriate dress is defined as shoes, shirt, blouse, pants, dress, or other appropriate items designed for safety purposes.
29. Participation in any form of gambling.

30. Unauthorized possession of a key to any College facility or vehicle.
31. Unauthorized use of the Internet via College facilities is defined as, but is not limited to, accessing unauthorized technology resources, use for unintended purposes, failure to protect the access and integrity of technology resources, disrespecting the privacy of others, and not abiding by applicable laws and College policies. See the [Wallace Community College, Student Handbook](#) section titled Campus Regulations: Acceptable Use Policy, User Responsibilities, System Administrators' Responsibilities, and Violations for more in-depth details.

If a student violates any of the provisions listed above while engaged as a representative of a student organization, the organization will be subject to having its approval suspended or terminated.

Acceptable Use Policy

These guidelines are to assist with the interpretation and administration of the *Acceptable Use Policy for Information Technology Resources*. They outline the responsibilities each student and employee assumes when using information technology resources.

The purpose of information technology resources is to provide educational resources for Wallace Community College students and employees. Access to these resources is a privilege and must be treated with the highest standard of ethics. The College expects all students and employees to use information technology resources in a responsible manner, respecting the public trust through which they have been provided, the rights and privacy of others, the integrity of the facilities and pertinent laws, and College policies and standards.

This policy outlines the standards for acceptable use of Wallace Community College information technology resources, which include, but are not limited to, equipment, software, networks, data, and telephones.

This policy applies to all users of College information technology resources, including the faculty and staff, students, guests, organizations, and individuals accessing external network services, such as the Internet via College facilities. Violation of this policy may result in suspension or revocation of user privileges, administrative discipline, or immediate termination of the violator's relationship with Wallace Community College and could lead to criminal and civil prosecution.

Acceptable use of the College Internet connection provided via the Alabama Research and Education Network (AREN) is also governed by this document. Any activity that is not listed here that violates local, state, or federal laws, or violates the AREN *Acceptable Use Policy* is also considered a violation of the Wallace Community College *Acceptable Use Policy for Information Technology Resources*.

User Responsibilities

Use of College information technology resources is permitted based on acceptance of the following specific responsibilities and the understanding that computer use may be monitored.

Use only information technology resources for which you have permission. Example: It is unacceptable to...

- use resources you have not been specifically authorized to use;
- use your own personal computer, laptop, or any other device to connect to the network with a wired connection. (access to the Wallace network with a personal device through the appropriate wireless portal is permitted);
- use someone else's account and password or share your account and password with someone else;
- access files, data, or processes without authorization; and
- purposely seek out, exploit, or seek to exploit security flaws to gain system or data access.

Use information technology resources only for their intended purpose. Example: It is unacceptable to...

- send forged e-mail;
- use electronic resources to harass or stalk other individuals;
- send bomb threats or hoax messages;
- send chain letters that may interfere with the system's efficiency;
- intercept or monitor any network communications not intended for you;
- use computing or network resources for commercial advertising or other commercial purposes;
- attempt to circumvent security mechanisms;
- use privileged access for other than official duties;
- use former privileges after graduation, transfer, or termination; and
- use network resources to download news, music, graphics, or other communications not related to College activities.

Protect the access and integrity of information technology resources. Example: It is unacceptable to...

- knowingly release a virus that damages or harms a system or network;
- 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

Classroom Integrity

Faculty members have the obligation to maintain order in the classroom to preserve the integrity of the learning environment. If a student's behavior disturbs or otherwise interferes with instruction, the student will be asked to leave the class. The student may be allowed to return to the next class meeting after consultation with the instructor and a third party. The third party may be another faculty member, division director, or a dean. If repeated disruption occurs upon an allowed return to class, or if the faculty member believes that the improper conduct should be subject to greater discipline, then the case should be referred to the Dean, Student Success and Sparks Campus for disciplinary review and determination if a referral before the Judiciary Committee is warranted.

Academic Dishonesty

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...

- impose a grade of *F* for the respective assignment or test;
- impose an *F* for the respective course;
- require that an assignment be redone or a test be retaken; or

- 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 Success 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 Success and Sparks Campus for disciplinary review.

1. In any situation where a student is alleged to have committed academic dishonesty of any nature, the faculty member making the allegation shall within three (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 (see [Appendix A – Academic Dishonesty](#)).
2. The student shall have a maximum of three (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 gives due consideration to any response that is made.
3. 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.
4. 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 Success and Sparks Campus. The appeal must be filed with the Dean within five (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:
 - a copy of the faculty member's written allegations of academic dishonesty;
 - a statement of the sanction imposed;
 - the dates on which the student received the written allegation and on which the student responded to the allegation;
 - the nature of the student's response to the faculty member concerning the allegation; and
 - the rationale for the appeal of the sanction.
5. The student shall have the option of admitting to the Dean, Student Success and Sparks Campus the act of academic dishonesty and proposing an alternative sanction or denying that academic dishonesty has been committed.
6. The Dean, Student Success and Sparks Campus shall, within 15 working days after receipt of the appeal, issue a report by which the Dean will:
 - affirm the sanction;
 - overrule the sanction; or
 - modify the sanction.
7. 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.
8. If the Dean determines that the student is not guilty, the student will be cleared of all charges. If the student is found guilty, the Dean will delineate appropriate sanctions on a *Sanction Agreement* form (see [Appendix B – Sanction Agreement](#)). When administering the *Sanction Agreement*, the student will 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 (see [Appendix H – Appeal Request](#)).
 - **Any student who fails to select 'Accept' or 'Do Not Accept,' and fails to sign the *Sanction Agreement* shall be deemed to have waived all rights to further appeal and the sanctions imposed will be final.**

Student Conduct

Student conduct is expected to be in accordance with standards of common decency and decorum, with recognition of and respect for the personal and property rights of others and the educational mission of the College. A student shall be subject to disciplinary action by the College, up to and including permanent expulsion, for misconduct on any property owned or controlled by the College; or off College property at any function that is authorized, sponsored, or conducted by the College; or in parking lots adjacent to areas or buildings where College functions are being conducted.

Disciplinary complaints in relation to the *Code of Student Conduct* are routed through the Office of the Dean, Student Success and Sparks Campus. The Dean will appoint a designated college official as the investigator, and the Complaint Process will begin.

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.

Interim Suspension - 72 Hours

In certain circumstances, there may be a need for an immediate Interim Suspension of 72 hours. Interim suspension recommendations must be routed through the office of the Dean, Student Success and Sparks Campus. During the interim suspension, the accused student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the dean may determine to be appropriate.

1. Interim suspension may be imposed for the following reasons:

- To ensure the safety and well-being of members of the College community or preservation of College property;
 - To ensure the student's own physical or emotional safety and well-being; or
 - If the student poses a definite threat of disruption of or interference with the normal operations of the College.
2. The Dean shall request a hearing of the charges before the College Judiciary Committee within 72 hours of the interim suspension.
 - The Dean or designee shall provide the accused student(s) a written *Statement of Charges* as filed to provide the student(s) reasonable notice of the circumstances on which the alleged violation is based. The statement will be sent to the student's College Email AND by a Process Server. The written *Statement of Charges* shall include the following:
 - Date the original complaint was reported,
 - Name of person to whom the original complaint was reported,
 - Facts of the complaint, and
 - Action taken, if any, by the receiving official to resolve the complaint.
 - Notification to the student(s) that it is permissible to appear alone or with counsel before the Judiciary Committee and may be present during all phases of the hearing except during the committee's deliberation. Requestor of counsel shall be required to sign a FERPA release before the meeting begins.
 - Counsel shall be made aware of the following:
 - Counsel shall not speak for or on behalf of the accused student(s) but may act only in an advisory capacity.
 - Counsel may not question or cross-examine witnesses or committee members. (If counsel attempts to question or cross-examine a witness or committee member, they will be excused from proceedings.)
 - Notification to the student(s) that they will be provided the opportunity to present evidence and to conduct reasonable cross-examination of witnesses.
 3. Upon Notification of an event necessitating an Interim Suspension, the Dean, Student Success and Sparks Campus will designate an investigator to complete the investigation process within two (2) business days.
 4. Investigation documentation will be distributed to the Judiciary Committee Chair for a hearing to convene within 72 hours of the initial suspension.

The student(s) 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(s) 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 Success 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(s).

Complaint Process

1. [A complaint regarding the conduct of any student\(s\) may be filed by any student, faculty, or staff member having personal knowledge of the alleged activity. The College may also file complaints. Individuals are encouraged to report concerns within ten \(10\) working days of the occurrence of the event prompting the complaint.](#)
2. Such complaints must be in writing and shall be directed to the Office of the Dean, Student Success and Sparks Campus. The *Complaint Form* may be submitted electronically. The Complaint Form can be found on the College's website page, [Complaint & Disciplinary Procedures](#).
3. The Dean will appoint a designated College official as the Investigator. The Investigator has ten (10) working days to complete the investigation.
4. [The office of the Dean, Student Success and Sparks Campus will work with the Investigator to schedule the date, time, and location of interviews with the complainant and the accused individual\(s\).](#)
 - The student(s) shall be advised that it is permissible to appear alone or with counsel during the meeting. However, Counsel shall not speak for or on behalf of the student(s), but may act only in an advisory capacity.
 - The student(s) and Investigator will receive a calendar request through their College Email to solidify the meeting.
 - If the student(s) are 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 Success and Sparks Campus, where upon a new date shall be set by the office of the Dean in coordination with the Investigator. Only one such extension shall be granted, except where additional extensions would cause undue hardship to the student(s).
5. The Investigator shall initially meet with the complainant (individual filing the complaint) to hear the details of the case. The investigator shall do the following:
 - Document details of the case, including names, dates, locations, details of the incident, and evidence of the event (ex., text messages, emails, social media posts, documents, etc.).
 - Determine the type of Misconduct based on the *Code of Student Conduct*.
 - Determine what the outcome goal is for the Complainant.
 - Notify the Complainant to check their student email for final results.
6. The Investigator shall meet with the accused party to present the charges filed against them and hear their rebuttal of the events that they are being accused of. The investigator shall do the following:
 - Document details of the case, including names, dates, locations, details of the incident, and evidence of the event (ex., text messages, emails, social media posts, documents, etc.).
 - Notify the Accused to check their student email for final results.

7. Upon completion of the interview and resolution process, the Investigator shall submit all original documents to the office of the Dean, Student Success and Sparks Campus, to be filed and recorded on the Student Complaint Drive.
8. Using the code of Student Conduct Sanctions, the Dean of Student Success and Sparks Campus will prepare a *Sanction Agreement* to be submitted by email to the accused (see [Appendix B – Sanction Agreement](#)).
 1. The office of the Dean will prepare the *Sanction Agreement* for the students' signature, and email it to the students' college email accounts within three (3) business days.
 2. The office of the Dean will send copies of the *Sanction Agreement* to the appropriate Dean(s) for notification of involved parties.
9. Upon receipt of the *Sanction Agreement*, the accused will select from one of the following options:
 1. Sign the *Sanction Agreement*, indicating acceptance of the sanction(s) imposed and waiving all rights to appeal; OR
 2. Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Judiciary Committee.
 3. **Any student who fails to select 'Accept' or 'Do Not Accept' and fails to sign the Memorandum of Resolution/Sanction Agreement shall be deemed to have waived all rights to further appeal, and the sanction(s) imposed will be final.**
 4. **Students have five (5) working days from the date of the emailed Sanction Agreement to sign the document. At this time, the judgment is final.**
10. If the accused party does not agree to the *Sanctions Agreement*, they may begin the appeals process by completing the *Appeals Request* form on the College's website page titled [Complaint & Disciplinary Procedures](#) (see [Appendix H – Appeal Request](#)).

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 is 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. **Interim Suspension – 72 hours** - Interim suspension may be imposed for the following reasons:
 - To ensure the safety and well-being of members of the College community or preservation of College property;
 - To ensure the student's own physical or emotional safety and well-being; or
 - If the student poses a definite threat of disruption of or interference with the normal operations of the College.
8. **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.
9. **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.

Disciplinary Procedures by Judiciary Committee

Judiciary Committee

1. The chairperson assumes the following duties:
 - Arranges for appropriate times and places for committee meetings and hearings.
 - Informs the Dean, Student Success and Sparks Campus, in writing when possible, the location and time of the committee hearing and a list of individuals whom they request or require to attend the hearing.
 - 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 Success and Sparks Campus after conclusion of the meeting.

- Informs the Dean, Student Success and Sparks Campus, by *Memorandum of Record*, the decisions of the committee, to include findings and, if appropriate, sanctions.
 - Arranges for appropriate security when necessary, during hearings.
2. The office of the Dean, Student Success and Sparks Campus assumes the following duties:
 - Informs the appropriate individuals, including but not limited to the complainant and accused, of the scheduled hearing date, time, and location.
 - Notification to the student(s) that it is permissible to appear alone or with counsel before the Judiciary Committee and may be present during all phases of the hearing except during the committee's deliberation. Requestor of counsel shall be required to sign a FERPA release before the meeting begins.
 - Counsel shall be made aware of the following:
 - Counsel shall not speak for or on behalf of the accused student(s) but may act only in an advisory capacity.
 - Counsel may not question or cross-examine witnesses or committee members. (If counsel attempts to question or cross-examine a witness or committee member, they will be excused from proceedings.)
 - Notification to the student(s) that they will be provided the opportunity to present evidence and to conduct reasonable cross-examination of witnesses.
 - The student(s) that is scheduled for a hearing before the Judiciary Committee and who fail 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(s) 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 Success 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(s).
 3. 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.)
 4. A record of all proceedings shall be kept in the form of a video or audio recording, and a copy may be reproduced at the expense of the accused student(s) or organization.

Proceedings

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 that 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.

1. The chairperson of the Judiciary Committee will then read the charge against the student(s). The student(s) shall then make a plea of guilty or not guilty. If the accused student(s) admits guilt, the committee will go directly into closed session to deliberate sanctions, however, students(s) who plead guilty may be permitted to explain the rationale for their behavior as a plea for leniency before the Judiciary Committee. Failure to make a plea by the student(s) is considered an admission of guilt.
2. If the accused denies guilt, the Judiciary Committee Chair shall present the evidence against the accused student(s). The accused student(s) will be afforded the opportunity for reasonable cross-examination.
 - The accused student(s) may then present evidence of the event 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(s) may make a closing statement.
3. The complainant, College, and the accused student(s) 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 in the proceedings. The advisor may only communicate with the individual they are advising.

4. 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(s) is found guilty. Student(s) shall be notified of the determination within three (3) business days of the close of the hearing. Any sanctions previously imposed to the time of the hearing shall remain in effect until official notification of the Committee's decision.
 - If the Judiciary Committee determines that the student is not guilty, the student will be cleared of all charges. If the student is found guilty, the Committee will disclose the findings and sanctions determined by the committee. The *Sanction Agreement* shall be submitted, by email, to the Dean, Student Success and Sparks Campus for processing (see [Appendix B – Sanction Agreement](#)).
 - The Dean's office will send a hard copy of the *Sanction Agreement* by Certified mail OR by a Process Server. The office of the Dean will prepare an additional copy of the *Sanction Agreement* for student signature and email to the student's college email account.
5. Upon administrating the *Sanction Agreement*, the student will 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 an appeal may be filed with the President or designee. Imposed sanctions by the Judiciary Committee will remain in effect throughout the appeals process.
 - Any student who fails to select 'Accept' or 'Do Not Accept,' and fails to sign the *Sanction Agreement* shall be deemed to have waived all rights to further appeal and the sanctions imposed will be final.
 - Students have five (5) working days from the date of the emailed *Sanction Agreement*, to sign the document. At this time the judgement is final.
 - The complainant will be notified by email, the final resolution.
6. Upon completion of the hearing and determination, the Committee shall submit a *Memorandum of Record*, by email, to the office of the Dean, Student Success and Sparks Campus (see [Appendix F – Memorandum of Record](#)).
 - The office of the Dean shall email copies of the *Memorandum of Record* to the appropriate Dean(s) for notification of all involved parties.
7. All original documents shall be submitted to the office of the Dean, Student Success and Sparks Campus, to be filed and recorded on the Student Complaint Drive.

Appeals Process

Appeal to the Judiciary Committee

1. Accused student(s) who choose to file an appeal of the sanctions imposed by the Dean, Student Success and Sparks Campus must request an appeal hearing within five (5) working days, in writing, to the Judiciary Committee. The Appeal Request form can be found on the College's website, [Complaint & Disciplinary Procedures](#). The 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 appeal 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 appeal.

For more information on the Judiciary Committee process, please see the section titled *Judiciary Committee Disciplinary Procedures*.

Appeal to the President or Designee

1. 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 or designee has discretionary authority to modify or affirm the sanction imposed by the Judiciary Committee, to exonerate the accused student(s), and/or to order a rehearing of the case in question.
2. A student(s) has five (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. The *Appeal Request* form can be found on the College's website, [Complaint & Disciplinary Procedures](#). Such an appeal request must be submitted in writing to the office of the President. Failure to request an appeal as stated herein shall be a waiver of a review by the President 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.
3. 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.
4. The student(s) shall be provided a written statement of the decision of the President or designee within seven (7) working days from the date of filing the request for appeal.
5. Appealing to the President is the final step in the College's judicial process; however, if a student wishes to appeal the decision further, he or she may utilize the State Student Complaint Process.
6. Upon completion of the investigation and administration of the written statement by the President to the accused, the originals of all documents pertaining to the investigation shall then be submitted to the office of the Dean, Student Success and Sparks Campus.
7. All documents pertaining to the investigation shall then be filed in the office of the Dean, Student Success and Sparks Campus, and will be recorded on the Student Complaint Drive.

Appeal, State Student Complaint Process

Students who wish to appeal the President or designee's decision should refer to the section titled *State Student Complaint Process*.

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 Success 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.

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.

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.

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

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 College constituents 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 Coordinators:

[Employee's Contact]

Ms. Keyashia Sheppard, Testing Officer/Professional Development Coordinator; Wallace Campus

Phone: (334) 556-2557, Email: ksheppard@wallace.edu

[Student's Contact]

Ms. Shaletha Barnes-Blackmon, Student Success Advisor; Wallace Campus

Phone: (334) 556-2511, Email: sblackmon@wallace.edu

U.S. Department of Education Office for Civil Rights:

U.S. Department of Education Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Phone: (800) 421-3481, Email: ocr@ed.gov

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:

Dr. Ryan Spry, Director of Student and Campus Services; Wallace Campus

Phone: (334) 556-2587, Email: rspry@wallace.edu

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:

Dr. Ryan Spry, Director, Student and Campus Services
Grimsley Hall, Room 125, Wallace Campus
Phone: (334)-556-2587, Email: rspry@wallace.edu

Ms. Terri Ricks, Coordinator of Student Services
A Building, Student Services Office, Sparks Campus
Phone: (334) 687-3543, ext. 4270, Email: ricks@wallace.edu

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 students, faculty, staff, and external constituents 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

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 Success 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 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 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.

Pregnancy Policy

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination based on sex—including pregnancy and parental status—in educational programs and activities.

In accordance with Title IX of the Education Amendments of 1972, Wallace Community College does not discriminate against any student or exclude any student from its educational program or activity, including any class or extracurricular activity, based on student's pregnancy or parental status, including childbirth, false pregnancy, termination or recovery of pregnancy, unless the student requests voluntarily to participate in a separate portion of the program or activity.

[Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School \(ed.gov\)](https://ed.gov/knownyourrights)

This College encourages students to work with their faculty members to resolve any educational challenges resulting from their pregnancy or parental status. If a student needs further assistance, please get in touch with the Title IX Coordinator listed below:

Ms. Shaletha Barnes-Blackmon
Student's Contact Title IX Coordinator
Student Success Advisor
Wallace Community College
1141 Wallace Drive
Dothan, AL 36303
Phone: 334-556-2511
Email: sblackmon@wallace.edu

Sexual Misconduct Policy

Title IX Sexual Harassment Introduction

Wallace Community College – Dothan (WCCD) is committed to providing a workplace and campus community free of sexual misconduct and harassment. As required by Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs and activities. This includes discrimination affecting employees of the College and applicants for employment, students and applicants for admission, or members of the public. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others, whether on college premises or at any College owned off campus location and while participating in any educational program or activity of the College.

Sexual harassment, which includes sexual misconduct and sexual assault, is a form of sex discrimination which is prohibited under Title IX of the Education Amendments of 1972 and the Violence Against Women Act. This policy is intended to reaffirm the College's commitment to address sexual harassment and take steps to prevent its reoccurrence and preserve or restore equal access to the College's education programs and activities. Dating violence, domestic violence, and stalking may also be considered forms of sexual discrimination. Due to the seriousness of these offenses, the College has adopted specific policies and procedures, outlined in the Student Handbook, employment policies, and webpage, to address alleged instances of sexual harassment, sexual misconduct, sexual assault, dating violence, domestic violence, and stalking. The College believes that no person should bear the effects of sexual harassment alone. When such conduct occurs, the College's paramount concern is for the safety and well-being of those impacted. To support and assist students, the College provides a range of resources that include a trained counselor.

Under Title IX, individuals reporting allegations related to sexual harassment and/or sexual violence, have the right to a resolution of their complaint, to have the college conduct a prompt, thorough and impartial investigation, and to receive supportive measures to ensure the safety and wellbeing of the individuals involved and the college community.

When allegations of sexual harassment and/or sexual violence in any form are brought to the attention of the Title IX Coordinator, and if a responding party is found to have violated this policy, serious sanctions will be used to prevent its reoccurrence. WCCD does not tolerate or condone retaliation. Individuals wishing to report reporting sexual harassment and/or sexual violence and/or to make inquiries concerning the application of Title IX at the College may contact the following individuals:

Title IX Coordinators

[Employee's Contact]

Ms. Keyashia Sheppard
Wallace Community College
1141 Wallace Drive
Dothan, AL 36303
Phone: 334-556-2557
Email: ksheppard@wallace.edu

[Student's Contact]

Ms. Shaletha Barnes-Blackmon
Wallace Community College
1141 Wallace Drive
Dothan, AL 36303
Phone: 334-556-2511
Email: sblackmon@wallace.edu

and/or

Assistant Secretary

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCT@ed.gov

Information regarding the Title IX Coordinator and their role will be provided to all faculty, staff, students, applicants for admissions, and applicants for employment. Also, this information is available on the College website at www.wallace.edu under the Title IX webpage.

Title IX Policy

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Definitions Relating to Sexual Harassment

Many terms are used in the context of sexual harassment. The following will provide some common definitions and examples.

Actual knowledge: The notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the College who has authority to institute corrective measures of behalf of the College shall be deemed actual knowledge on the part of the College.

Complainant: is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. For the purposes of this procedure a Complainant may be an individual applying for admission or employment, an employee, a student or an individual otherwise participating in or attempting to participate in the College's education programs and activities.

Respondent: is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint: is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. Note: At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an educational program or activity of the College at which the formal complaint is filed.

Consent: "Consent" must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

Incapacitation: An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

Sexual Misconduct: Committing sexual abuse, sexual assault, sexual harassment, sexual exploitation, or statutory rape, as defined below or under Alabama state law.

Harassment: The striking, shoving, kicking, or otherwise touching or making physical contact in regard to another for the purpose of harassing, annoying or alarming; and/or directing abusive or obscene language or making an obscene gesture toward someone for the purpose of harassing, annoying, or alarming. Example: Making or using persistent derogatory comments, epithets, or slurs that place a person in a hostile or fearful environment or where the person's safety is in jeopardy.

Sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participating in unwelcome sexual conduct (i.e. quid pro quo);
- Unwelcomed conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- Stalking, dating violence, or domestic violence. Definitions of Sexually Based Offenses.

Definitions of Sexual Based Offenses

Definitions of Sexual Based Offenses

Sexual abuse in the first degree:

- A person commits the crime of sexual abuse in the first degree if:
 - He subjects another person to sexual contact by forcible compulsion; or
 - He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.
- Sexual abuse in the first degree is a Class C felony (Alabama Code 13A-6-66).

Sexual abuse in the second degree:

- A person commits the crime of sexual abuse in the second degree if:
 - He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or
 - He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.
- Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony (Alabama Code 13A-6-67).

Rape in the first degree:

- A person commits the crime of rape in the first degree if:
 - He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
 - He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
 - He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.
- Rape in the first degree is a Class A felony (Alabama Code 13A-6-61).

Rape in the second degree:

- A person commits the crime of rape in the second degree if:

- Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.
- He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.
- Rape in the second degree is a Class B felony (Alabama Code 13A-6-62).

Sodomy in the first degree:

- A person commits the crime of sodomy in the first degree if:
 - He engages in deviate sexual intercourse with another person by forcible compulsion; or
 - He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
 - He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.
- Sodomy in the first degree is a Class A felony (Alabama Code 13A-6-63).

Sodomy in the second degree:

- A person commits the crime of sodomy in the second degree if:
 - He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.
 - He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.
- Sodomy in the second degree is a Class B felony (Alabama Code 13A-6-64).

Domestic Violence:

- Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (34 U.S.C.12291(a)(8)).
- In Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees).

Dating Violence:

- Means violence committed by a person –
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship,
 - The frequency of interaction between the persons involved in the relationship (34 U.S.C.12291(a) (10)).
- In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.

Stalking:

- Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress 34 U.S.C.12291(a)(30).
- In Alabama, stalking is when a person intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm (13A-6-90 Stalking in the first degree) or a person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct (Section 13A-6-91 Stalking in the second degree).

Sexual assault:

- Means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation 20 U.S.C.1092 (f)(6)(A)(v).

Complaint Process

Victims Option to Report

Students and employees who are victims of crime including rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking, are encouraged by the College to report but do have the option not to report the incident to campus law enforcement, or local law enforcement. In those cases, the victim may still seek assistance confidentially from Crisis Services in the Wiregrass area or any other victim service agency of their choosing.

Community Sources:

Local Law Enforcement Officials

Dale County Sheriff's Department (334) 774-2335
Dothan Police Department (334) 615-3601
Eufaula Police Department (334) 684-1200

Medical Facilities

Southeast Health (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
The House of Ruth Crime Victims Assistance (334) 290-4420

Formal Complaint Process

Initial Steps

Any student or employee of the College or applicant for employment or admission who has a complaint against a student or a member of the College faculty, staff, or administration concerning sexual harassment (Title IX of the Educational Amendments of 1972) or has knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College should report the complaint to the campus [Title IX Coordinator](#). An educational program or activity of the College includes, but is not limited to locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes buildings owned or controlled by a student organization that is officially recognized by the College.

Reporting a Complaint

Any individual may report sexual harassment incident to Title IX Coordinator in person, by email, by telephone, or in writing. The report must include the names of the Complainant(s) and Respondent(s), approximate date of incident, facts of the incident, and contact information for the person submitting the complaint.

The Title IX Coordinator will respond in writing to the person submitting the complaint as soon as practicable, but not exceeding five (5) business days. If the person submitting the complaint is not the Complainant, the Title IX Coordinator will also contact the Complainant within five (5) business days.

If after a discussion with the Complainant, the Title IX Coordinator determines that the complaint does not qualify as a Title IX Complaint, the Title IX Coordinator will notify the Complainant in writing and may redirect the Complaint to the appropriate committee.

If after a discussion between the Complainant and the Title IX Coordinator, the Title IX Coordinator determines that the complaint meets the criteria of a Title IX Complaint and the Complainant requests to file a formal complaint, the Title IX Coordinator will initiate the formal complaint process.

Supportive Measures

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will be offered to the Complainant within five (5) business days of receipt of the complaint.

Supportive measures will be offered to the Respondent simultaneously with the Notice of Allegations.

Standard of Evidence for Determining Responsibility

For the purposes of College Title IX procedures, the College will use a “preponderance of evidence” standard for determining responsibility. Preponderance of the Evidence means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.

Formal Complaint Process

A formal complaint must be submitted in electronic (email) or written format to the Title IX Coordinator and must be signed by the Complainant. In the event that under the circumstances a formal complaint should be pursued notwithstanding a Complainant’s desire not to file a formal complaint, the Title IX Coordinator may sign the complaint. The complaint must include the following:

- The date of the original complaint,
- names of Complainant and Respondent,
- facts and description of the complaint, and
- the request to investigate complaint.

A Complainant must be participating in or attempting to participate in a College sponsored program or activity at the time the complaint is filed.

Dismissal of Formal Complaint

The College may dismiss a formal complaint or allegations therein if:

- the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal complaint or allegations therein,
- the Respondent is no longer enrolled or employed by the school, or
- specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

The College must dismiss a formal complaint or allegations therein if:

- the allegations do not meet the definitions of sexual harassment
- the alleged conduct did not occur within the United States, or
- the alleged conduct did not occur within a College sponsored program or activity.

If the College determines the formal complaint or allegations therein will be dismissed, the Title IX Coordinator will provide written notice to both parties of the dismissal of allegations, and the reason for dismissal within five (5) business days of the decision to dismiss the complaint.

Notice of Allegations

The Title IX Coordinator will provide simultaneous written notice of allegations, including sufficient details, and intent to investigate to the Complainant and Respondent no later than ten (10) calendar days after receipt of the formal complaint. The Title IX Coordinator will also provide both parties with the formal complaint, grievance and appeal process, possible sanctions and remedies, and availability of advisors. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct, that the parties and their advisors may review and inspect evidence, and advise the parties of the provisions of the College Code of Conduct relating to making false statements or submitting false information during the grievance process.

The Title IX Coordinator will additionally notify the Title IX investigator of the pending investigation and provide a copy of the formal complaint.

Advisors

In addition to providing the Complainant and Respondent with written notice of allegations and intent to investigate, the Title IX Coordinator will inform the parties of the availability of advisors. Both parties shall have the right to retain, at the respective party’s own cost, the assistance of legal counsel or other personal representative advisor. In the alternative, either or both parties may also request an advisor provided by the College.

- Only an advisor may conduct cross-examination during the live hearing.
- Neither party may dismiss a College appointed advisor.

Investigation Procedure

The Title IX investigator is responsible for conducting an investigation of the submitted formal complaint. The Title IX investigator will have received Title IX investigator training within the current academic year.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

The Title IX investigator will notify the Complainant and Respondent in writing of the intent to investigate within five (5) business days of receipt of the formal complaint and will commence interviews within ten (10) business days of receipt of the formal complaint. The Title IX investigator will notify the Complainant and Respondent and their respective advisors in writing of all individuals the investigator intends to interview.

Either party may identify other witnesses with relevant information for interview or other evidence for review by the investigator.

The Title IX investigator will conduct a factual investigation of the formal complaint and shall research applicable statutes, regulations, and/or policies, if any. The Title IX investigator will notify any interviewees in writing of the intent to interview. Interviewees will have at least five (5) business days' notice of an interview. Notice will include the participants, date, place, purpose, and time of the interview.

The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (tending to establish fault or guilt) and exculpatory (clearing or tending to clear from alleged fault or guilt) evidence. Creditability determinations may not be based on a person's status as a complainant, respondent or witness.

The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in proceedings, as long as the restrictions apply equally to both parties.

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal access opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Prior to the completion of the investigative report, the Title IX investigator will submit all reviewed evidence to the Title IX Coordinator.

The Title IX Coordinator will provide copies of all evidence reviewed during the investigation to the Complainant, Respondent, and their respective advisors. All parties will have ten (10) business days to review the evidence and respond in writing to the Title IX Coordinator.

Subsequent to the ten (10) business day review period, the Title IX Coordinator will direct any responses from the Complainant, Respondent, or their respective advisors to the Title IX Investigator for additional review. The Title IX Investigator will submit a final report and the reviewed evidence to the Title IX Coordinator. At least 10 days prior to the live hearing, the Title IX Coordinator will simultaneously provide the Complainant, Respondent, their respective advisors, with the final report and all reviewed evidence for their review and written response. The President will select a Hearing Officer to conduct the live hearing. The Hearing Officer shall be provided a copy of the investigative report and reviewed evidence.

Live Hearing Procedure

Upon receipt of the final investigative report, the Hearing Officer will convene a Decision Maker panel and schedule a live hearing. The panel will consist of three (3) individuals selected by the Hearing Officer who have completed Decision Maker training during the current academic year. The Hearing Officer will designate one of the Decision Makers as Primary Decision Maker. Hearing Officer will notify the Complainant, Respondent, their respective advisors, Title IX Coordinator, Title IX Investigator, witnesses named in the final report, and the Decision Makers of the live hearing date within five (5) business days of receipt of the final investigative report. The live hearing date must provide the Complainant, Respondent, and their respective advisors with no less than ten business days to review the final investigative report and all supporting evidence.

The hearing must be a live, recorded hearing with the opportunity for both advisors to conduct cross-examinations. The hearing shall be recorded by either a court reporter or on audio or video tape or by other electronic recording medium. 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.

Upon request, the Complainant and Respondent may participate in the hearing via on-campus video conferencing provided that all parties, including the Decision Making Panel, are able to see and hear the party or witness answering questions in real-time.

The Hearing Officer, Decision Makers, Complainant, Respondent, and their respective advisors will attend the hearing. The Title IX investigator, Title IX Coordinator and witnesses will be called to provide testimony if requested by the Decision Makers, parties or their respective advisors.

If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be an attorney.

The hearing process will consist of:

- Opening statement by Hearing Officer
- Review of hearing procedures, formal complaint and notice of allegations by Hearing Officer
- Review of potential hearing outcomes and sanctions by Hearing Officer
- Complainant Testimony
- Cross-examination of Complainant by Respondent advisor
- Testimony of Witnesses of Complainant
- Cross-examination of Complainant Witnesses by Respondent advisor
- Respondent Testimony
- Cross-examination of Respondent by Complainant advisor
- Witnesses of Respondent Testimonies
- Cross-examination of Respondent Witnesses by Complainant advisor
- Decision Maker inquiries
- Review of appeal process by Hearing Officer
- Closing statement by Hearing Officer
- Dismissal of parties
- Decision Maker deliberations

At the hearing, the Hearing Officer shall read the hearing procedures, notice of allegations, formal complaint, potential hearing outcomes, and potential sanctions. After the Hearing Officer concludes opening statements, the Complainant shall have the opportunity to present such oral testimony and offer such other supporting evidence as deemed relevant to the formal complaint. Subsequent to Complainant testimony, the Respondent advisor may conduct cross-examination. The Decision Makers may question the Complainant after the cross-examination.

The Complainant may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Respondent advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

The Respondent shall then be given the opportunity to present such testimony and offer such other evidence as deemed relevant to the Respondent's defense against the formal complaint. Subsequent to Respondent testimony, the Complainant advisor may conduct cross-examination. The Decision Makers may question the Respondent after the cross-examination.

The Respondent may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Complainant advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

Only relevant cross-examination and other questions may be asked of a party or witness.

During cross-examination, the advisor will pose each question orally to the Primary Decision Maker. The Primary Decision Maker will determine if the Complainant, Respondent, or witnesses may respond to the question. If the Primary Decision Maker chair determines that the question is not relevant, the Primary Decision Maker will explain the rationale for dismissing the question. Rape shield protection is provided for Complainants which deems irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to the Respondent and offered to prove consent.

If a witness or party is not available or declines cross-examination, the decision makers must not rely on any statement of that witness in reaching a determination regarding responsibility; provided, however, that the decision makers cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Upon conclusion of the presentation of the evidence and cross-examinations, the Hearing Officer shall read the appeal process and closing statements. The Complainant, Respondent, their respective advisors and all witnesses shall be dismissed.

The Decision Makers will deliberate to determine if the Respondent is deemed responsible and submit a written hearing report which contains:

- Identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the College's code of conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and

- the College's procedures and permissible bases for the complainant and respondent to appeal.

The Primary Decision Maker will submit the hearing report to the Hearing Officer within ten (10) business days of the live hearing.

The Hearing Officer will submit the hearing report simultaneously to the Title IX Coordinator, Complainant, Respondent, and their respective advisors within three (3) business days of receipt of the hearing report.

The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator will retain the recording of the hearing, the hearing report, the investigative report, and all evidence obtained during the investigation and all evidence offered at the hearing.

Appeal Procedure

Appeals of a determination regarding responsibility and from the College's dismissal of a formal complaint or any allegations therein are available to both parties on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the decision regarding responsibility or dismissal was made, that could affect the outcome; and/or (3) the Title IX Coordinator, Investigator, or a Decision Maker had a conflict of interest or bias that affected the outcome.

The President of Wallace Community College - Dothan or his/her designee shall be the appeal authority in upholding, rejecting, or modifying the recommendations of the Decision Maker Panel. The President or his/her designee shall not be bound in any manner by the recommendation(s) of the Decision Maker Panel, but shall take it (them) into consideration in rendering his/her decision.

Either party may file a written request with President requesting that the President review the decision of the Decision Maker Panel. The written request must be filed within ten (10) business days following the party's receipt of the hearing report. If the appeal is not filed by the close of business on the tenth (10th) business day following the party's receipt of the report, the party's opportunity to appeal shall have been waived.

As to all appeals, the College will:

- notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
- ensure the decision-maker(s) for the appeal complies with the standards set for in 34 C.F.R. § 160.45(b)(iii);
- give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- issue a written decision describing the result of the appeal and the rationale for the result; and
- provide the written decision simultaneously to both parties.

A decision on a party's appeal shall be rendered within 30 calendar days of the initiation of the appeals process. The time for decision may be extended for exigent circumstance or as may be otherwise agreed by the parties.

If the Respondent is also an employee of the College, the individual may also file a claim with the Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.

Retaliation Prohibited

Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner an investigation, proceeding, or hearing conducted under this policy. Complaints alleging retaliation may be filed according to the grievance procedures included in the formal complaint process. The College shall keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as may be permitted by FERPA statute, 20 U.S.C. 1232g or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Title IX Sanctions for Students

Range of Possible Sanctions

On final determination of responsibility the following sanctions may be imposed against a respondent:

FOR STUDENTS:

- **Disciplinary Reprimand.** This may be an oral or written warning. It notifies a student that any further violation of College regulations may subject the student to more severe disciplinary actions.
- **Disciplinary Probation.** This is designated to encourage and require a student to cease and desist from violating College regulations. Students on probation are notified in writing that any further misbehavior on their part will lead to more severe action. Disciplinary Probation will be for the remainder of the existing semester and for all of the following semesters of attendance.
- **Disciplinary Suspension.** This excludes a student from the College for a designated period of time, usually not more than two semesters. While on suspension, a student will not be allowed to take any course at the College. At the end of the designated period of time, the student must make formal reapplication for admission.
- **Class Suspension.** A student may be suspended from attending one or more specified courses for improper behavior. Class suspensions are for the remainder of the semester, and the student will be assigned a letter grade of "F" for each course from which he/she is suspended.
- **Library Suspension.** A student may be suspended from using the library for improper or disruptive behavior in the library. Library suspension will be for a period of time not to exceed the remainder of the semester.
- **Disciplinary Expulsion.** This is the strongest disciplinary action. This category of severe penalty generally indicates the recipient may not return to the College.
 - Disciplinary expulsion normally would be the least-used disciplinary action and would be applied only to students who are guilty of chronic misbehavior or a major breach of conduct. The College reserves the right, but has no duty, to lift the probation against re-enrollment upon its consideration of a written application for readmission evidencing that the student has demonstrated an ability and readiness to comply with all College rules and regulations. The College will not consider such a request until at least one year from the date of expulsion.
- **Payment of Damages.** Charges will be assessed against a given student or students for the amount necessary to repair damage caused by student or students' behavior.
- **No Trespass Order.** A no trespass order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.
- **No Contact Order.** A no contact order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.

Title IX Sanctions for Employees

- Oral warning,
- Written warning,
- Letter of reprimand,
- Mandatory attendance at an educational program on discrimination, harassment, and/or sexual misconduct, or retaliation,
- Mandatory referral for psychological assessment and compliance with any resulting treatment plan
- Restriction of responsibilities,
- Reassignment or transfer to another department,
- Suspension without pay,
- Final written warning,
- Dismissal/termination of employment,
- No trespass order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.
- No contact order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.

Title IX Sanctions for Individuals Other than Employees or Students

- A no trespass order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.
- A no contact order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.

Informal Resolution

The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College does the following:

- provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- obtains the parties' voluntary, written consent to the informal resolution process; and

- does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Title IX Grievance Summary

At any time in the grievance process the College may impose a temporary delay or limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

Neither the College assigned Investigator or Decision Makers and any person who facilitates an informal resolution process shall require, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The College's Title IX Coordinators, Investigators, Decision Makers shall all have received training for their respective roles prior to participating in a Title IX Complaint or grievance process. All materials used to train the Title IX Coordinators, Investigators, Decision Makers and any person who facilitates an informal resolution process may be found on the College's website at www.wallace.edu.

Title IX Coordinators

Employee's Contact

Ms. Keyashia Sheppard
Wallace Community College
1141 Wallace Drive
Dothan, AL 36303
Phone: 334-556-2557
Email: ksheppard@wallace.edu

Student's Contact

Ms. Shaletha Barnes-Blackmon
Wallace Community College
1141 Wallace Drive
Dothan, AL 36303
Phone: 334-556-2511
Email: sblackmon@wallace.edu

and/or

Assistant Secretary

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCT@ed.gov (mailto: OCR@ed.gov)

Information regarding the Title IX Coordinator and their role will be provided to all faculty, staff, students, applicants for admissions, and applicants for employment. Also, this information is available on the College website at www.wallace.edu under the Title IX webpage.

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 Associate Dean. The **Associate Dean** 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 the 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 240.

Any student who is uncertain of which college official to report a complaint under this section should seek guidance from the Dean, Student Success 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 of Student Affairs 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 of Student Affairs. 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 of Student Affairs; 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:
 - I. 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.
 - II. 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.
 - III. 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, the Student Affairs Office on the Sparks Campus in Eufaula or online from the Admissions webpage. **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.
15. To a parent of a student under the age of 21 concerning the student's violation of any law or policy regarding the use or possession of alcohol or a controlled substance.
16. The disclosure, subject to the requirements in 99.39, is in connection with a disciplinary proceeding at an institution of post secondary education.

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 redisclosed, 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 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.

Facsimile (FAX) Records

Wallace Community College 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 nondisclosure 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 information concerning (1) legal sanctions regarding unlawful use, possession, or distribution of alcoholic beverages and illicit drugs; (2) health risks of drug and alcohol use and abuse; and (3) where to get assistance. Complete printed information is located in the Counseling Center in Grimsley Hall on the Wallace Campus and the Student Affairs Office on the Sparks Campus.

Reporting a Possible FERPA Violation

Students who believe their rights under the Family Educational Rights and Privacy Act (FERPA) have been violated should contact the Director of Enrollment Services/Registrar at Wallace Community College. A written report should be submitted that includes a description of the suspected violation, when and where it occurred, any supporting documentation, and the student's current contact information. Submissions may be sent via email to ksaulsberry@wallace.edu or by phone at 334-556-2470. Students may request a meeting to discuss their concerns. If the issue is not resolved through this process, students may file a formal complaint with the U. S. Department of Education at:

Student Privacy Policy Office

U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202-8520
Phone: (202) 260-3887
Fax: (202) 260-9001 Email: ferpa@ed.gov

Website: <https://studentprivacy.ed.gov>

Drug and Alcohol Abuse – Standards of Conduct and Enforcement, Public Notice Policy

Drug and Alcohol Abuse – Standards of Conduct and Enforcement

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Public Notice Policy

Each year, institutions of higher learning are required to provide specific information concerning campus crimes, athletic disclosure, and other data. The following Web sites are available for consumers desiring to obtain detailed information about campus crime data and athletic disclosure.

Hard copies of this information are available from the Dean, Student Affairs and Sparks Campus.

Motor Vehicle Regulations

General Rules and Regulations

1. All motor vehicles must be registered with College Police during registration or within 2 days after the beginning of the term.
2. Decals must be affixed to the right rear window or bumper. (Improper mounting will void the decal and subject the student to a citation.)
3. Temporary parking permits will be issued by College Police on request when a student must drive an unregistered vehicle for a short period of time.
4. Disabled stickers and/or tags are required for any individuals parking in spaces designated for persons with disabilities. Contact the ADA Compliance Officer for more information.

Traffic Regulations

The following information is provided to assist students and faculty and staff members with understanding campus regulations related to operating vehicles on campus. Any questions should be directed to the Dean of Business Affairs.

Students and faculty and staff members must register vehicles routinely driven on campus at the College Police Department. Registration information includes student or employee number, owner's license number, vehicle tag number, and vehicle make and model. Liability insurance is required for all vehicles. At vehicle registration, College Police will issue an identification decal. The decal must be permanently affixed to the lower right back window. On motorcycles, the decal should be affixed to any area where it may be seen easily. Only the current decal should be displayed. If a temporary vehicle (without a decal) must be driven on campus, the student must obtain a temporary parking permit at the College Police Department. The license tag number of the temporary vehicle is necessary to receive a temporary permit.

The following rules must be observed:

1. Students and faculty and staff members must park in designated areas.
2. Faculty members may not give students permission to use faculty parking areas.
3. Parking is prohibited in loading and no parking zones.
4. All stop signs must be obeyed.
5. Speed on all campus roads is limited to 20 mph except where posted otherwise; but any speed not safe for road conditions, including vehicular and pedestrian congestion, is prohibited.
6. All parking must conform to marked-off areas. All parallel parking must be within 12 inches of curbs.
7. Vehicles left on campus overnight must be registered with the College Police Department.
8. Driving and parking on the grass and sidewalks is prohibited. Parking at crosswalks, loading zones, and yellow curbs is prohibited.
9. Double parking is prohibited.
10. Blocking driveways, entrances, and exits to parking areas or buildings is prohibited.
11. Drivers must yield to pedestrians in designated crosswalks.
12. In all lots marked with parking spaces, vehicles must be parked facing into the spaces.
13. Unregistered or illegally parked vehicles may be towed away at the owner's expense.
14. All motor vehicles on campus must have lights, mufflers, brakes, license tags, and any other equipment required by Alabama state law.
15. All other State of Alabama traffic laws will be enforced on campus.

A citation and fine will be issued for each violation. Vehicles may be towed away at the owner's expense for chronic violations. If a vehicle is parked in such a manner and cannot be towed, College Police will immobilize it with a car boot to the wheel area. This action will result in an additional fine to the owner/driver of the vehicle.

Violations and Fines

Types of Violations

- Backed into space
- Disobeying officer's signal
- Disregarding a stop sign

- Driving a motorcycle with no helmet
- Driving the wrong way on a one-way street
- Driving without a license
- Failing to give or using improper signal
- Failing to yield
- Improper backing
- Improper display of decal
- Improper or insufficient muffler
- Improper or no lights
- Improper passing
- Improper turning
- No decal
- Parking in disabled parking area
- Parking in no parking area
- Parking in reserved area
- Parking outside marked line
- Other parking violations
- Passenger riding outside vehicle
- Reckless driving
- Speeding
- Using improper or no tag
- Violating license restriction

Fines and Appeals

Fines may be paid at the Business Office in Grimsley Hall during normal business hours. Failure to pay fines will result in increased fines, holds on student registration and graduation, and possible towing of the vehicle at the owner's expense.

The Wallace Community College Traffic Appeals Committee has been established to give students a process by which they may dispute parking tickets issued by the Wallace Police Department. The Appeals Committee will be composed of the Director of Student Life (chair), Student Government Association President, and Phi Theta Kappa President and will convene as needed to hear appeals and make binding rulings.

To appeal a parking ticket, students must complete a parking citation appeal form and return to the Office of Student Life no more than 7 working days after the ticket has been issued. Please keep in mind the following appeals will be automatically denied:

- Parking on the grass
- Parking in a staff parking spot
- Illegally parking in a handicap spot

Following receipt of the citation appeal form, the committee chair will schedule an appeal meeting, in which students will have an opportunity to voice their reasons for the appeal directly to the committee. The committee will then make a binding decision to uphold or deny the appeal. This decision will be conveyed to Wallace's Chief of Police, with a copy of the decision also being sent the Dean, Business Affairs.

If an appeal is upheld, the committee chair will be required to prepare a narrative explaining the committee's decision, which will then be presented to Administrative Council. The Council may request additional explanation, at which point the committee chair will meet with the Council to defend the committee's decision.

The College Police Department is provided as a service to the College community and is supervised by the Dean of Business Affairs. Any questions or concerns regarding the College Police should be directed to the Dean of Business Affairs in Grimsley Hall on the Wallace Campus in Dothan.

State Student Complaint Process

In 2015, the Alabama Legislature vested oversight of the state's public two-year institutions of higher education (known as the Alabama Community College System (ACCS)) with the Alabama Community College System Board of Trustees. The Alabama Legislature further directed the Board of Trustees to delegate to the System's Chancellor the authority to act and make decisions concerning the management and operation of the community and technical colleges. The Chancellor is assisted in these duties by the staff of the System Office, formerly known as the Alabama Department of Postsecondary Education. Consumer and student complaints that are not resolved at the institutional level are thus arbitrated at the state level by the ACCS System Office.

The ACCS is committed to respecting and supporting the work of its member institutions and to providing a quality educational experience for all students. The objective of the student complaint process is to ensure that the concerns and complaints of students are addressed fairly and

are resolved promptly. The Alabama Community College System requires each institution to establish its own procedures to address student grievances and complaints. A student must exhaust his/her rights under the institution's official complaint/grievance policy before advancing any complaint to the System Office of Alabama Community College System. Students may file consumer/student complaints with the Alabama Community College System by following these procedures:

1. If, after exhausting all available institutional processes, a student's complaint remains unresolved, the student may appeal to the Alabama Community College System using the System's official *Student Complaint Form* or [Online Student Complaint Form](#) (see [Appendix I – ACCS Student Complaint Form](#)). Students may submit completed complaint forms using one of the following options:
 - Printing the form, signing it, and then either (1) scanning it and emailing it to complaints@accs.edu or (2) mailing it to:
Alabama Community College System
Attention: Division of Academic and Student Affairs
P.O. Box 302130
Montgomery, AL 36130-2130
 - Electronically submitting the form using the [Online Student Complaint Form](#).
2. The Division of Student Success will investigate the complaint.
3. The institution which is the subject of complaint has 15 days to provide a written response to questions and/or concerns raised during the investigation. Such response may or may not contain a resolution.
4. The Division of Student Success will adjudicate the matter within 30 business days of receipt of complaint and write a report or letter to the institution and student detailing corrective action, if any is necessary, or stating that the school has no violation of policies.
5. If corrective action is needed the institution will have 30 days to comply or develop a plan to comply with the corrective action.
6. The System Office will monitor the institution's compliance to ensure the completion of any required corrective action.
7. The decision made by ACCS is final and cannot be appealed.

Location of Student Records

RECORDS

Admission
Cumulative Academic Admission (current and former students)
Financial Aid
Financial Aid (current year for students enrolled at Sparks Campus in Eufaula)
Student Accounts
Student Accounts (students enrolled at the Sparks Campus in Eufaula)
Athletic Eligibility
Disciplinary
Admission—Associate Degree Nursing (ADN)
Admission—Emergency Medical Services (EMS)
Admission—Medical Assisting (MAT)
Admission—Physical Therapist Assistant (PTA)
Admission—Practical Nursing (PN), Dothan and Eufaula
Admission—Radiologic Technology (RAD)
Admission—Respiratory Therapist (RPT)

LOCATIONS

Admissions and Records Office, Grimsley Hall, Wallace Campus in Dothan
Admissions and Records Office, Grimsley Hall, Wallace Campus, Dothan
Financial Aid Office, Grimsley Hall, Wallace Campus in Dothan
Financial Aid Office, Administration Building, Sparks Campus in Eufaula
Business Office, Grimsley Hall, Wallace Campus in Dothan
Business Office, Administration Building, Sparks Campus in Eufaula
Office of Athletic Director, Cunningham Hall, Wallace Campus in Dothan
Office of the Dean, Student Success and Sparks Campus, Administration Building, Sparks Campus in Eufaula
ADN Program Office, Health Science Building, Wallace Campus in Dothan
EMS Program Office, Health Science Building, Wallace Campus in Dothan
MAT Program Office, Health Science Building, Wallace Campus in Dothan
PTA Program Office, Health Science Building, Wallace Campus in Dothan
PN Program Office, Health Science Building, Wallace Campus in Dothan
RAD Program Office, Health Science Building, Wallace Campus in Dothan
RPT Program Office, Health Science Building, Wallace Campus in Dothan

CUSTODIANS

Director of Enrollment Services/
Registrar
Director of Enrollment Services/
Registrar
Director of Financial Aid
Director of Financial Aid
Dean, Business Affairs
Dean, Business Affairs
Athletic Director
Dean, Student Success and Sparks
Campus
ADN Division Director
EMS Program Director
MAT Program Director
PTA Program Director
PN Division Director
RAD Program Director
RPT Program Director

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