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## **PART I: STUDENT CONDUCT CODE**

### **I) STUDENT CONDUCT PHILOSOPHY**

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Student conduct emphasizes a developmental approach toward discipline that is educational and proactive and allows for maximum student growth. Chattahoochee Valley Community College (CVCC) embraces the concept of a student-centered college committed to developing and establishing programs designed to enhance lifelong learning opportunities, foster a climate of personal growth and development, set high expectations for personal integrity, and assist students in the development of an informed set of values, ethics, and beliefs. A student-centered college embraces a campus climate in which civility and respect among members of the campus community is viewed vital to the overall ethical development of its students.

### **II) CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE STATEMENT ON STUDENT CONDUCT**

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Chattahoochee Valley Community College students are expected to obey national, state, and local laws, to respect the rights of members of the campus community, and to accept responsibility for the consequences of their behavior. In the event students fail to demonstrate such behavior, CVCC reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing disciplinary sanctions for violations of College rules, regulations, and policies as well as violations of national, state, and local laws that occur on-campus or on the internet which adversely affects the educational interest of the College.

CVCC's student conduct system is not a court of law. The Student Conduct Code is not written with the specificity of a criminal statute. In cases where civil or criminal proceedings also involve a violation of the Student Conduct Code, the College reserves the right to take appropriate disciplinary action against the student. Such action will be regarded as separate and distinct from proceedings in criminal or civil court and may be scheduled according to timelines that serve the interest of the College.

### **III) STUDENT CONDUCT AUTHORITY**

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- The Dean of Student Services shall develop policies for the administration of the student conduct program and the procedural rules for the conduct of hearings that are not inconsistent with the provisions of the Student Conduct Code.
- The Dean of Student Services, in consultation with the members of the CVCC Cabinet, will determine the composition of the Student Disciplinary Committee.
- The Dean of Student Services shall seek to ensure that the Student Disciplinary Committee is representative of College's students, faculty, and administrative staff members who are willing and able to offer fair and thoughtful consideration of each case heard.

### **IV) DEFINITION OF TERMS**

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- 1) The term "**College**" means Chattahoochee Valley Community College.
- 2) The term "**student**" includes all persons taking courses at Chattahoochee Valley Community College, either full-time or part-time. Persons who are not currently enrolled, but who were previously enrolled, would be considered to have a continuing relationship with the College so long as they are eligible to enroll. Individuals who are admitted, but whose degree is not yet conferred, are considered students.

- 3) The term "**faculty member**" means any person employed by Chattahoochee Valley Community College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of the faculty.
- 4) The term "**college official**" includes any person employed by Chattahoochee Valley Community College, performing assigned administrative or professional responsibilities.
- 5) The term "**college premise**" includes any property that is owned, controlled or leased by Chattahoochee Valley Community College.
- 6) The term "**college event**" includes any activity conducted, sponsored, or authorized on behalf of CVCC, whether on college premise or off.
- 7) The term "**organization**" means a student organization who has complied with the formal requirements for recognition.
- 8) The term "**Student Disciplinary Committee**" refers to any person designated by the Dean of Student Services to be responsible for the management of the student conduct program. The committee members are authorized to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- 9) The term "**policy**" is defined as the written regulations of the College as found in, but not limited to, the Student Conduct Code, the College Catalog and Handbook, and all official publications of the University, whether in print or published on the Internet.

## **V) STUDENT CONDUCT CODE VIOLATIONS**

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The following list of 27 violations of the Student Conduct Code is an example of behaviors that may result in disciplinary action by the College. It is not to be regarded as all-inclusive. In the event that there arises ambiguity, inconsistency, or a need for further clarification regarding what constitutes a violation of the Student Conduct Code, the Dean of Student Services shall make the final determination. *Any student or student organization found to be responsible for misconduct is subject to College sanctions.*

### **1) Academic Dishonesty**

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#### ***Cheating***

- a) submitting material that is not yours as part of your course performance;
- b) using information or devices that are not allowed by the faculty;
- c) obtaining and/or using unauthorized materials;
- d) fabricating information, research, and/or results;
- e) violating procedures prescribed to protect the integrity of an assignment, test, or other evaluation;
- f) collaborating with others on assignments without the faculty's consent;
- g) cooperating with and/or helping another student to cheat;
- h) demonstrating any other forms of dishonest behavior.

#### ***Plagiarism***

- i) directly quoting the words of others without using quotation marks or indented format to identify them;
- j) using information (published or unpublished) without identifying the source;
- k) paraphrasing materials or ideas without identifying the source;
- l) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material.

## **2) Alcohol Possession and Use**

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- a) manufacturing, distributing, dispensing, possessing, or using alcoholic beverages on College premises;
- b) manufacturing, distributing, dispensing, possessing, or using alcoholic beverages during a College event;
- c) being in a state of alcohol intoxication on any College premises or at any College event.

## **3) Assault**

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- a) any intentional physical contact of an insulting or provoking nature;
- b) any physical abuse, intentional injury, or physical harm of another person.

## **4) Classroom Copyright Infringement**

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- a) any recording and transmission of classroom lectures and discussions by students without prior written permission from the class instructor and without all students in the class as well as the guest speaker(s) being informed that audio/video recording may occur (it is not a violation if student has educational accommodations through the Office of Student Development);
- b) uploading any recordings of lectures and/or class presentations to publicly accessible web environments.

## **5) Classroom Disruption**

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- a) any classroom behavior that obstructs teaching or research activities.

## **6) Damage or Destruction of Property**

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- a) any damage or destruction of College property or another person's property.

## **7) Deception**

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- a) any misuse of any college records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means;
- b) any giving or receiving of false information to the College or to any College official, administrator, or administrative unit;
- c) providing false information to law enforcement officials;
- d) possession of any fake, altered, or any other identification that belongs to another person;
- e) any attempt to perpetrate a fraud against the College or a member of the College community.

## **8) Disorderly Conduct**

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- a) all lewd, obscene, indecent behavior, or other forms of disorderly conduct;
- b) any abuse or unauthorized use of sound amplification equipment;
- c) any conduct which materially interferes with the normal operation of the College, or with the requirements of appropriate discipline.

## **9) Disorderly/Improper Assembly**

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- a) any assembly for the purpose of causing a riot, destruction of property, or disorderly diversion, which interferes with the normal operation of the College;
- b) any obstruction to the free movement of other persons about campus or the interference with the use of College facilities.

## **10) Drug Possession and Use**

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- a) manufacturing, distributing, dispensing, possessing, or using controlled or illegal substances and/or drug paraphernalia on College premises;
- b) manufacturing, distributing, dispensing, possessing, or using controlled or illegal substances and/or drug paraphernalia during a College event
- c) being in a state of drug intoxication on any College premises or at any College event.

## **11) Failure To Comply**

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- a) failing to respond to an official directive by properly identified College officials or law enforcement officials in the performance of their duties;
- b) failing to report for a conference, meeting, or appointment with any College official or faculty member;
- c) failing to comply with any disciplinary condition imposed on a person by the Student Disciplinary Committee or any College official;
- d) fleeing from law enforcement or College officials.

## **12) False Representation**

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- a) any unauthorized claim to speak and/or act in the name of Chattahoochee Valley Community College or any organization, student, College officials or faculty members.

## **13) Fire Safety**

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- a) any failure to evacuate or immediately respond to a fire alarm;
- b) participation in creating or causing a false fire alarm;
- c) participation in tampering, disconnecting, or altering any fire alarm system, equipment or component;
- d) failure to follow the instructions of college official and emergency personnel during fire alarms;
- e) the possession, use, manufacture, and/or sale of any incendiary device;
- f) participation in setting or causing to be set any unauthorized fire;
- g) the possession and/or use of any type of fireworks.

## **14) Gambling**

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- a) engaging in any form of gambling that is in violation of the law.

## **15) Harassment**

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- a) language, behavior, or other activity which has the intent or effect of unduly demeaning, embarrassing, or discomforting another person;
- b) creating an environment which is unduly demeaning, embarrassing, or discomforting to any person(s) of reasonable sensitivity.

## **16) Hazing**

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- a) any act which endangers the emotional, mental, or physical health or safety of a student, with or without their expressed permission, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization;
- b) any act intended to or actually cause physical discomfort, embarrassment and/or ridicule of another person for the purposes mentioned above;
- c) apathy or acquiescence in the presence of hazing.

## **17)Sexual Assault**

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- a) any sexual conduct that takes place without the victim's consent, including any penetration of the vagina, anus, or mouth by the perpetrator's penis, or by any object;
- b) sexual conduct deemed to be without the victim's consent when:
  - (i) the victim has instructed the perpetrator not to engage in the conduct;
  - (ii) the victim is forced to submit to the act;
  - (iii) the victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
  - (iv) the victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; or
  - (v) the victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.

## **18)Sexual Harassment**

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- a) unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - (i) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic success;
  - (ii) submission or rejection of such conduct by an individual is used as a basis for an employment or academic decision affecting the person submitting to or rejecting such conduct;
  - (iii) such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, academic or living environment;
  - (iv) such conduct denies, limits, provides different, or conditions the provision of aid, compensation benefits, or services provided to students or employees by CVCC.

## **19)Sexual Misconduct**

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- a) intentional touching of the victim's intimate parts (the primary genital area, groin, inner thigh, buttock, or breast) without or against the victim's consent;
- b) touching is either directly on the body part or on the clothing covering that body part;
- c) forcing the victim to touch the intimate areas of another person;
- d) sexual conduct deemed to be without the victim's consent when:
  - (i) the victim has instructed the perpetrator not to engage in the conduct;
  - (ii) the victim is forced to submit to the act;
  - (iii) the victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
  - (iv) the victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol or due to mental or physical disability.

## **20)Theft**

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- a) taking, possessing, or attempting to sell or distribute any property that is the property of another person, organization, or entity (including but not limited to the College) without the owner's permission.

## **21)Threats**

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- a) an expression of intention to inflict injury or damage;
- b) to cause another person to feel fear for their safety or well-being.

## **22)Tobacco**

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- a) use of any tobacco product on College premise.

## **23)Unauthorized Entry**

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- a) unauthorized entry into any College building, office, parking lot, motor vehicle, or other facilities;
- b) remaining in any College building after normal closing hours without proper authorization.

## **24)Unauthorized Use**

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- a) unauthorized use of college equipment;
- b) unauthorized use or duplication of keys.

## **25)Unauthorized Use of Computer Resources**

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- a) use of a computer when not currently enrolled in a class requiring the use of a computer or without the written permission from the appropriate College official;
- b) inspection and/or modification of data or programs that were not specifically assigned to, owned by, or created by the modifier;
- c) use of another's account number without permission;
- d) interference, electronically or otherwise, with other users of the computers;
- e) unauthorized use of computer resources for personal gain;
- f) use of another's programs or data without permission;
- g) viewing, printing, or transmitting obscene, sexually suggestive, vulgar, or offensive messages on Web sites;
- h) unnecessary use (waste) of computing supplies;
- i) physical abuse of hardware;
- j) harassment of any kind;
- k) transmitting messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference.
- l) transmitting messages with abusive, profane, or offensive language;
- m) using computer resources for any purpose that is illegal or against College policy, or contrary to the College's best interest.
- n) using computer resources to participate in Internet games, contests, or chat rooms;
- o) transmitting e-mail or other electronic communications that hides or misrepresents the identity of the sender.
- p) *Violation of copyright(s)*: Copyrighted materials may not be transmitted by individuals using the College's email/Internet system. Users may not copy, retrieve, modify, or forward copyrighted or licensed materials, except with the owner's permission, or as a single copy for reference only.

## **26)Violations of Law**

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- a) any act that violates a provision of the laws of the United States, the laws of any state in which such act occurs, the ordinances of any county, city, municipality, or other political subdivision, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the Student Conduct Code when that act:
  - (i) occurs on any college premises;
  - (ii) occurs in the context of any college event;

- (iii) occurs at any intercollegiate athletic event in which one of the College's teams is participating, home or away;
- (iv) involves more than one member of the College community; or
- (v) otherwise adversely affects the College.

## **27) Weapons and Firearms**

- a) keeping, using, possessing, displaying, or carrying any rifle, shotgun, handgun, or other lethal or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (*including BB guns, air-soft guns, stun guns, and paintball guns*) on the College premise unless specifically authorized by the administration or as part of a College-sanctioned event;
- b) using, possessing, displaying or carrying any toy weapon which resembles a real weapon, any swords, any illegal knives, any explosives (including fireworks and sparklers), any martial arts weapons or any devices which are used to threaten the safety and well-being of a person on the College premise unless specifically authorized by the administration or as part of a College-sanctioned event;

## **VI) STUDENT NOTIFICATION PROCESS FOR STUDENT CONDUCT CODE VIOLATIONS**

When a student is charged with a violation of the Student Conduct Code, the student will be notified to appear for a meeting with the Dean of Student Services to respond to the charges in the following manner:

- a) An e-mail will be sent to the student's CVCC e-mail account instructing the student to respond to the charges on or before a specific date.
- b) If a student does not respond to this request as instructed, a hearing will be held in the student's absence and action will be taken as warranted by the facts in the case, which may include disciplinary probation, suspension, or expulsion. The decision from a hearing held in a student's absence will be final. The student will not be afforded an appeal.
- c) *Students will not be permitted to enroll in subsequent semesters until their disciplinary case is resolved.*

## **VII) STUDENT WITHDRAWALS DURING THE STUDENT CONDUCT PROCESS**

A student withdrawal from the College does not absolve the student from student conduct responsibility. Students who withdraw before their case is closed will have their cases adjudicated according to the hearing procedures outlined in this document.

## **VIII) CONDUCT PROCEDURES**

College conduct procedures assure the student's right to procedural and substantive due process and to safeguard personal and confidential information concerning the student. In the interest of student welfare and confidentiality, procedures and rules have been developed to assure a fair hearing and appeal. These procedures may differ from court procedures.

The Dean of Student Services confers with involved parties to make disciplinary decisions at the administrative level and refers appropriate appeals to the College Disciplinary Committee for an appeal hearing. The Dean of Student Services coordinates disciplinary procedures and maintains appropriate records of student conduct and disciplinary actions.

To initiate a disciplinary review, alleged violations of College regulations must be filed in writing with the Dean of Student Services. Any student, faculty member, or staff member may register a complaint with the Dean of Student Services. The Dean of Student Services will then inform the accused in writing, will request a conference, and will deliver a decision to the student regarding the case in question. The decision will be one of the following:

1. Find the accused student not responsible and dismiss the charges.
2. Refer the student to a counselor for additional services.
3. Find the student responsible as charged and apply the appropriate sanction stated under Section IX.
4. Refer the case directly to the College Disciplinary Committee for a hearing.

## **IX) SANCTIONS**

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- A student or student organization found responsible for violating the Student Conduct Code, with the exception of violations related to academic dishonesty, may receive one or more of the sanctions listed below, as determined by the Dean of Student Services after review of the findings of fact.
- Prior to issuing a sanction, the Dean of Student Services will determine if the accused student or student organization has any previous violations of the Student Conduct Code. This may have an effect on the type and level of the sanction(s) to be imposed.
- When a student organization engages in an act of misconduct, the College reserves the right to take action not only against the organization but also against the individual student members of the organization.
- The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization, either individually or in combination.
- This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other College policies and regulations may impose specific penalties for specific violations, and nothing in this Section is intended to limit the imposition of those specific sanctions.

**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 misconduct will lead to more severe action. The duration of Disciplinary Probation will be for the remainder of the existing semester and for all of the following semester of attendance.

**Educational Sanction.** An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization, such as writing a research paper on a specific topic, performing community service hours, attending an educational program, and/or writing reaction papers on a specified topic.

**Loss of Privileges.** Denial of specific privileges for a designated period of time.

**Payment of Damages.** Charges will be assessed against students for the amount necessary to repair damage caused by their misconduct.

**Organizational Sanctions.** Loss of privileges, including College recognition for a specific period of time or permanently. Loss of privileges may include, but is not limited to, a prohibition on social events, or fund-raising projects. In addition, the completion of community service hours and special projects may be required.

**Deferred Suspension.** A student may be required to complete several sanctions or conditions. If any assigned sanction or condition is not met within the time allotted suspension will be added as a sanction. In order to be considered to return to CVCC after suspension, the student must complete all sanctions and conditions originally assigned.

**Disciplinary Suspension.** This excludes a student from the College for a designated period of time, usually not more than two terms. While on suspension, a student will not be allowed to take any courses 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 courses for misconduct. Course suspensions are for the remainder of the term, 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 misconduct in the Library. Library suspension will be for the remainder of the term.

**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 responsible for chronic misbehavior or a major misconduct. The College reserves the right, but has no duty, to lift prohibition against re-enrollment if the student submits a written application for readmission showing that he/she 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.

## **X) AUTOMATIC SUSPENSION OR EXPULSION**

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The following offenses will merit automatic disciplinary suspension or expulsion from the College:

1. Intoxication from, or the use, display, or possession of alcoholic beverages or any controlled substance (drug) on any area of the CVCC campus. (This includes the presence of empty or full alcoholic-beverage containers.)
2. Failure to promptly comply with directions of College officials or law enforcement officers acting in the performance of their duties as such officials and officers while on the CVCC campus.
3. Theft of or intentional damage to property of the College or to the property of any member of the College community or visitor to the College campus.
4. Intentional misuse of College fire alarm or fire-fighting equipment.
5. Actual or threatened physical abuse of a person, including hazing, or any other act that endangers the health or safety of that person.
6. Use, possession, sale, or distribution of any controlled substance (drug), as outlined by the statutes of the State of Alabama, except as expressly prescribed by a physician.

Disciplinary suspension or expulsion will not result in a notation on a student's permanent record. However, a notice that a student is currently on suspension or expulsion and ineligible to return to CVCC until a certain date will be attached to the student's file. If the student becomes eligible to return, the notice will be removed.

## **XI) INTERIM SUSPENSION**

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- 1) In certain circumstances, the Dean of Student Services may impose a College suspension prior to a hearing. Interim suspension may be imposed only:
  - a) to ensure the safety and well-being of members of the College community or preservation of College property;
  - b) to ensure the student's own physical or emotional safety and well-being;
  - c) if a student poses a threat to themselves or others;
  - d) if a student poses a threat of disruption of or interference with the normal operations of the College.
- 2) During an interim suspension, students may be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible. The student will be responsible for working with faculty members to make-up any missed work (if possible).
- 3) If an interim suspension is imposed, the hearing should follow within ten (10) business days.

## **XII) APPEALS**

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The purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error. Students have the right to appeal decisions made by the Dean of Student Services provided relevant grounds for an appeal are cited.

All appeal requests and responses in this process are transmitted by electronic mail. When informing the student of the original decision in a hearing, the Dean of Student Services will also explain the student's right to appeal the situation to the Student Disciplinary Committee. If the student wishes to appeal the case, he/she must send a written request, stating the reason(s) for the appeal, to the Dean of Student Services within 48 hours of the hearing. The Dean of Student Services will then have 48 hours to refer the case to the Student Disciplinary Committee along with his/her recommended sanctions. The Committee will conduct a hearing under the guidelines in "Hearing Procedures" portion of Section XII and will submit its decision in writing to the Dean of Student Services. The Dean of Student Services will notify the student of the appeal decision.

The student will not be granted an appeal if the case has been heard in the student's absence.

## **XIII) APPEAL GUIDELINES**

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- 1) *Purpose*
  - a) the purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error.
- 2) *Disciplinary Committee*
  - a) is composed of three faculty members (one of whom serves as chairperson), the Student Government Association President, and one non-faculty staff member;
  - b) may hear charges and evidence concerning alleged student misconduct and determine the disciplinary action to be taken in cases appealed by students and referred to the Committee by the Dean of Student Services;

- c) may review and make recommendations to the Dean of Student Services on student disciplinary policies and procedures.

3) *Grounds for Appeal*

- a) a violation of due process;
- b) evidence of prejudicial treatment by the original hearing body;
- c) evidence that does not support a finding;
- d) sanction(s) inappropriate for the nature of the violation;
- e) evidence that becomes available during the review process that was not previously available during the original hearing.

4) *Procedure*

- a) Hearings will held in be a private, confidential area.
- b) Access will be limited to persons officially involved. This might include Disciplinary Committee members, the Dean of Student Services or his/her designee, the student who is the subject of the hearing and his/her advisor, appropriate staff members, a recorder, and witnesses for both parties.
- c) Witnesses will be present only when providing information to the Committee.
- d) One student advisor, who may be (but does not have to be) an attorney, can be present during the hearing. The advisor may not address the hearing to give evidence on behalf of the student. However, in answering or asking questions, the student may seek advice from the advisor before proceeding.
- e) Minutes of the proceedings will be recorded and will be filed in the office of the Dean of Student Services and will be kept confidential.
- f) The order of the hearing will be:
  - (i) Opening remarks by the Chair of Disciplinary Committee.
  - (ii) Review of charges and action taken by the Dean of Student Services.
  - (iii) Opening statement by the Dean of Student Services his/her designee (not more than ten minutes).
  - (iv) Opening statement by the accused student (not more than ten minutes).
  - (v) Presentations of evidence by parties, including testimony and questioning of witnesses.
    - i. Witnesses for the College will present testimony first. Both parties to the action and the members of the Disciplinary Committee have the right to question witnesses. Following the testimony of all College witnesses, the student may call his/her witnesses.
  - (vi) Closing statement by the student.
  - (vii) Closing statement by the Dean of Student Services or his/her designee.
  - (viii) The Disciplinary Committee will conduct its deliberation in a closed and confidential session and, after reaching a decision, orally inform the parties of the decision.
    - i. Each party will subsequently be provided a written summary of the findings of the Committee.
  - (ix) The Disciplinary Committee will determine the total time to be allotted for the hearing and may limit the time for any or all aspects of the hearing.

5) *Appeal Outcomes*

- a) Affirm the original decision.
- b) Change the sanctions imposed.

- c) Refer the case for rehearing before another hearing body.
- d) Find the accused student not responsible and terminate the proceedings.

## **II) STUDENT/STUDENT ORGANIZATION RIGHTS**

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A student or student organization of CVCC charged with a violation of the Student Conduct Code has the following rights:

- 1) To receive a written statement of the charges.
- 2) To receive a fair and impartial hearing.
- 3) To know the nature of the evidence against them and the names of witnesses scheduled to appear.
- 4) To present evidence and witnesses in their own behalf.
- 5) To be accompanied at a hearing by an advisor.
- 6) To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a student/student organization fails to attend the hearing, it will be held in their absence.
- 7) To refuse to answer questions.
- 8) To ask questions of witnesses.
- 9) To receive a decision based solely on the evidence presented.
- 10) To have a record made of the hearing.
- 11) To receive a written notice of the decision and an explanation of the decision and sanctions.
- 12) To appeal decisions.
- 13) Students or organizations may waive these rights by agreeing to administrative adjudication. No student is required to agree to administrative adjudication.

## **III) VICTIM'S RIGHTS**

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Students who feel they are a victim of either a violation of the law or of the Student Conduct Code have the following rights:

- 1) Regardless of whether an act is in violation of the law, the victim may file a charge against the student with a violation of the Student Conduct Code.
- 2) To have a person of their choice accompany them throughout the student conduct process.
- 3) To submit a victim impact statement prior to a penalty being imposed.
- 4) To have past unrelated behavior excluded from the hearing.

## **IV) ADJUDICATION OF ACADEMIC DISHONESTY CASES**

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In an instance of academic misconduct, a student may:

- 1) Be required to retake an examination, or resubmit an assignment on which the instructor has determined that academic misconduct occurred, or
- 2) Receive an "F" on the given exam or assignment, or
- 3) Receive an "F" for the course.

Whether or not academic misconduct occurred, and what classroom sanctions will be applied, are matters to be determined by the respective instructor. A student who opposes the sanction imposed by an instructor may appeal the matter to the Dean of Instruction through the grade appeal process. Such an appeal must be filed by the end of the next class day following the date on which the sanction is imposed.

Students who receive classroom sanctions for academic misconduct may also be subject to disciplinary action by the Dean of Student Services if the misconduct also violates the CVCC Code of Conduct and is reported by the instructor for such disciplinary action.

## **PART II: ADMINISTRATIVE REGULATIONS**

### **I) STUDENT CONDUCT POLICY ON PARENTAL/GUARDIAN NOTIFICATION**

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- 1) The College may notify the parents of students who are under the age of 21 on the date of adjudication of any violations of College policies involving the use, possession, or distribution of alcohol or drugs.

### **II) AWARENESS EFFORTS**

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CVCC endeavors to inform its students and employees of the dangers of drug and alcohol abuse. Specific information about the College's substance abuse policies and the availability of substance abuse counseling, rehabilitation, and assistance is available through the Office of the Dean of Student Services, as well as the publication of the Alabama Department of Postsecondary Education entitled *Drug and Alcohol Abuse Prevention Program*. This publication discusses law enforcement and legal sanctions regarding the unlawful use, possession, or distribution of alcoholic beverages and illicit drugs. It also lists sources of assistance for persons who are in need of counseling or other substance-abuse-related services, including national toll-free hotlines.

### **III) CAMPUS POLICIES**

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#### **1. Children on Campus**

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Minor children of students are not permitted in classrooms or laboratories at any time. If children accompany students during registration or other business on campus, the children must be properly supervised at all times. Children under the age of 16 are not allowed in the Learning Resource Center unless accompanied by an adult (18 or older) who is conducting business there. Children in the LRC are not allowed to be present in a classroom during a class and must remain with the adult and be properly supervised at all times. College employees are responsible for enforcing this policy. Students violating this policy will be required to take immediate measures to comply with this policy.

#### **2. Dress and Appearance**

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CVCC students are expected to dress appropriately at all times, including complying with attire standards for special functions. CVCC reserves the right to require students to adjust their attire when it is deemed to be disruptive to the learning process or the order of the College.

#### **3. Protection of Personal Property**

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CVCC is not responsible for the protection of students' personal property. Students should always keep purses, book bags, etc., in their possession, in a locked vehicle or other secure place. CVCC recommends locking valuables in vehicle trunks. Lost items should be reported to, and found items should be taken to, the campus Security Office.

#### **4. Telephone Use and Emergency Messages**

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Students are permitted to use faculty and staff telephones only in emergency situations. College employees will not accept messages for, or deliver messages to, any student except in emergency situations such as illness in the student's family, death, accident, etc.

## **5. Use of Computer Resources**

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CVCC makes on-campus computer resources available to its students. The College encourages use of the Internet and e-mail to make communication more efficient and effective. Internet service and e-mail are College property. Their purpose is to facilitate College programs, services, and activities with resources that provide laboratory experience for approved courses, support for academic programs, and support for authorized research.

### **Acceptable uses of the Internet and e-mail**

The CVCC Acceptable Use Policy is established to maximize availability and fair access to the College's Internet and e-mail resources. The College-provided Internet and e-mail access is intended to support education; research; local, state, or national government affairs; economic development; and public service related to College supported activities.

### **Alabama Research and Education Network**

The Alabama Research and Education Network (AREN) is a statewide network administered by the Alabama Supercomputer Authority (ASA). Access to the Internet at CVCC is provided through an Alabama Supercomputer Authority (ASA) statewide contract with a regional network provider. Use of Internet access at the College must be consistent with ASA's primary goals and its acceptable use policy. In those cases when information is transmitted across regional networks or the Internet, AREN users are advised that acceptable use policies of those networks apply and may limit access.

### **Software**

To prevent computer viruses from being transmitted through the College's e-mail/ Internet system, downloading of any software should be only from sites sponsored or recommended by legitimate and reputable companies or individuals.

### **Security**

All messages created, sent, or retrieved over the College's email/Internet system are the property of the College and should be considered public information. The College reserves the right to access and monitor all messages and files on its email/Internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways.

The Alabama Supercomputer Authority (ASA) also reserves the right to monitor and review all traffic on AREN for potential violations of its policies.

### **Violations**

Users who abuse the privilege of College-facilitated access to e-mail or the Internet will be subject to disciplinary action. The College also reserves the right to advise appropriate officials of any illegal violations.

Violations of ASA policy that are not promptly remedied by individuals and member institutions may result in termination of access to AREN. Final authority for the determination of violation of the ASA Acceptable Use Policy and subsequent penalty rests with the ASA Board of Directors. It is the responsibility of member representatives to contact ASA, in writing, regarding questions of interpretation. Until such issues are resolved, questionable use should be considered "not acceptable."

*Chattahoochee Valley Community College is not liable for injury, damage, or expense arising from any sites or materials accessed through use of its Internet/e-mail system.*

#### **IV) HARASSMENT**

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CVCC is committed to ensuring an environment for employees and students that is fair, humane, and respectful, and that supports and rewards performance based on appropriate considerations such as ability, effort, and productivity. Therefore, it is the policy of CVCC that no person shall be rewarded, punished, or discriminated against on the basis of gender, race, color, national origin, religion, age, disability, or handicap. For the purposes of this policy, harassment is defined as “language, behavior, or other activity which has the intent or effect of unduly demeaning, embarrassing, or discomfoting any person, or creating an environment which is unduly demeaning, embarrassing, or discomfoting to any person or persons of reasonable sensitivity.”

Any person who is the victim of, or who is aware of, any harassment prohibited by this policy should report such harassment to the College Grievance Officer, Ms. Cynthia Floyd, 334-291-4905/Student Grievance Officer, Ms. Vickie Williams, 334-214-4803. Reports of a sensitive nature will be investigated and resolved in such a manner as to best protect the privacy of all victims and witnesses to the fullest extent possible under the circumstances.

#### **V) GRIEVANCE PROCEDURES**

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##### **1. Student Grievance Procedures (General)**

The College promotes open exchange of ideas among all members of the CVCC community, including students, faculty, staff, and administration. An environment conducive to open exchange of ideas is essential to intellectual growth and positive change. However, CVCC recognizes that, at times, people may have differences that they are unable or unwilling to resolve themselves.

The procedures described below are available to a CVCC student only after the student has made every reasonable attempt to resolve his/her problem with the appropriate College official or representative. In the case of a student who has made a good faith effort to resolve a problem and who has been unable to resolve the matter informally, CVCC offers the following grievance procedure as the appropriate course of action for settling disputes and resolving problems.

A student with a complaint must begin his/her attempt to resolve the situation by bringing it to the attention of the appropriate College official or representative as stated above. If a discussion between the student and the respective College official or representative results in a determination that the complaint is valid and can be resolved immediately, the College official or representative will take appropriate action to resolve the complaint.

This Grievance Procedure is not intended to be used by a student with a complaint about a strictly academic matter nor for complaints related to Civil Rights Violations.

##### **Initial Steps to Resolve a Complaint**

**Students:** Any student of the College who wishes to make a complaint shall report that complaint in writing to the Director of Student Development. If the complaint is about a specific occurrence, the complaint shall be made within ten (10) business days of the occurrence. . The written grievance statement shall include at least the following information:

- Date the original complaint was reported;
- Name of the 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.

**1. Plan of Resolution:** If the student's complaint cannot be resolved immediately but requires instead a "plan of resolution," the Director of Student Development shall submit a written report to the Dean of Student Services. The report shall be submitted within ten (10) working days of the receipt of the complaint and shall detail the complaint and the plan to resolve the complaint.

**2. Investigation, Hearing, and Findings:** The College shall have thirty (30) calendar days from the date of the receipt of the complaint by the Director of Student Development to conduct an investigation of the allegation(s), hold a hearing (if requested) on the grievance, and submit a written report to the Grievant of the findings arising from the hearing. The Director of Student Development shall report the hearing findings to the Grievant by either personal service or certified mail sent to the Grievant's home address. The findings will also be provided to the President.

a. **Investigation Procedures:** In the event that the Grievant does not request a hearing, the Director of Student Services shall prepare a report and a recommendation for resolution of the complaint to be filed with the Dean of Student Services as well as provide a copy to the Grievant and Respondent. In order to prepare said report, the Director of Student Development shall conduct a factual investigation of the grievance allegations and research any applicable regulations or policies that may relate to the grievance. The Director of Student Development shall, for the hearing record, present publications containing relevant regulations or policies. The factual findings of the investigation shall be made a part of the hearing record, in the event that a hearing is requested by the Grievant. Each of the parties shall have the opportunity to file written objections to any of the factual findings and to make their objections a part of the hearing record.

b. **Hearing Procedures:** In the event that the Grievant requests a hearing, the Director of Student Services shall notify the Student Grievance Committee and conduct a grievance hearing. The Director of Student Development, serving as committee chair, shall notify the Grievant and each Respondent of the time and place of the hearing at least seventy-two (72) hours prior to the scheduled hearing.

At the hearing, the Grievant and the Respondent shall be read the grievance statement. After the grievance is read into the record, the Grievant will have the opportunity to present such information or supporting evidence as he/she shall deem appropriate to his/her claim. Each Respondent shall then be given the opportunity to present such information or supporting evidence as he/she deems appropriate to the response to the claim. In the event that the College or the administration of the College at large is the party against whom the grievance is filed, the Dena of

Student Services shall designate a representative to appear at the hearing on behalf of the Respondent.

Any party to a grievance hearing shall have the right to retain, at the respective party's cost, the assistance of legal counsel. However, the respective attorney(s), if any, shall not be allowed to address the committee or question any witnesses. In the event that the College at large is the Respondent, the College representative shall not be an attorney or use an attorney unless the Grievant is assisted by an attorney.

The hearing shall be recorded either by audio tape or by other electronic recording medium. In addition, all items offered as support information by the shall be marked and preserved as part of the hearing record.

c. **Report of Findings:** Following the hearing, the committee chair shall submit a written report of the committee's findings to the Dean of Student Services. The report shall contain at least the following:

- Date and place of the hearing
- The name of each member of the hearing committee;
- A list of all witnesses for all parties to the grievance;
- Findings of fact relevant to the grievance, including regulations or policies that support the findings of fact; and
- Any recommendation(s) to the President arising from the grievance and the hearing thereon.

The Director of Student Development shall submit a copy of the completed report to the Grievant and the Respondent(s) by personal delivery or certified mail.

**3. Available Appeals:** The Grievant shall have the right to appeal the decision of the committee to the Dean of Student Services provided that:

1. A notice of appeal is filed with the Dean of Student Services within fifteen (15) calendar days following the Grievant's receipt of the committee report.
2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s) or recommendation(s) of the committee.

If the appeal is not filed by the close of the business on the fifteenth (15) day following the Grievant's receipt of the report, the Grievant's right to appeal shall be forfeited.

The Dean of Student Services shall have thirty (30) calendar days from his/her receipt of the notice of appeal to review and investigate the allegations contained in the original grievance, to review the hearing record, and to file a report of the findings of fact. The Dean of Student Services shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings arising from the grievance hearing. The Dean of Student Services' report shall be personally delivered or sent via certified mail to the Grievant and Respondent(s) at their respective home addresses. The decision of the Dean of Student Services is final.

## 2. STUDENT GRIEVANCE PROCEDURES (CIVIL RIGHTS)

This grievance procedure is established to provide recourse for any student who feels that his/her civil rights have been violated as set out in the following legislation:

- Title VI and Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act)
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973 The Americans with Disabilities Act of 1990.

The purpose of this procedure is to secure at the lowest possible level, equitable solutions to the problem that may arise affecting students in their dealings with this institution. These proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure. For the purpose of this procedure, a grievance is a claim by a student or prospective student who cites a failure of the institution to comply with civil rights legislation.

### Steps to be Followed in Processing Civil Rights Grievance Procedure

Within ten (10) working days of an alleged violation, the complainant may arrange for a conference with the Director of Student Development of the institution, and thereby try to resolve the complaint immediately and informally. If the complaint is not resolved to the satisfaction of the Grievant, the following steps may be taken:

1. The Grievant shall file the original and two copies of Grievance Form A with the President or his designee within thirty (30) calendar days following the date of the alleged civil rights violation(s). The alleged violation(s) must be clearly and specifically stated (Grievant is advised to keep a copy of all forms used).
2. The President of the institution or his designee will have thirty (30) calendar days following date of receipt of Grievance Form A to investigate and study Grievant's allegation, hold a formal hearing, and make a written report of findings to Grievant. **This report must be mailed to grievant by certified mail, return receipt requested.**
3. Grievant must, within fifteen (15) calendar days, following receipt of report, file with the President or his designee written notice of acceptance or appeal of the report. If a notice of appeal is filed, appeal Form B must be used. Grievant must state clearly and specifically on Form B the objections to the findings and/or decisions of the President or his designee. Copies of Form B must be provided to the President or his designee and the Chancellor of the Postsecondary Education Department. If the Grievant fails to file notice of appeal by 5 p.m. on the fifteenth (15th) calendar day following receipt of the President's report, the right to further appeal will be forfeited. If a settlement is not reached at the local level, a student grievant may also contact the College's accrediting agency (address available from the Director of Student Development). If the last day for filing notices of appeal falls on either Saturday, Sunday, or legal holiday, a Grievant will have until 5 p.m. the first working day following the fifteenth (15th) calendar day period to file.

4. The Chancellor or his designee will have thirty (30) calendar days following date of receipt of Grievant's notice of appeal to investigate and study Grievant's allegations and the report of the President or his designee of the institution and make a written report of findings to grievant. **Grievant's copy must be mailed to his/her home address by certified mail, return receipt requested.**

**NOTE:** Grievant has the right to further appeal to the proper court or to the Office of Civil Rights of the U.S. Department of Education. All parties shall have the right to legal counsel and to produce witnesses in their own behalf.

**FORM A**

DATE: \_\_\_\_\_

TO: Dr. Glen Cannon, President  
Chattahoochee Valley Community College  
2602 College Drive  
Phenix City, Alabama 36869

FROM: \_\_\_\_\_

ADDRESS: (home) \_\_\_\_\_

SUBJECT: ALLEGED VIOLATION

DESCRIPTION OF ALLEGED VIOLATION:

On \_\_\_\_\_, \_\_\_\_\_, my Civil Rights, in my estimation, were violated in the following manner:

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Signature: \_\_\_\_\_

**APPEAL  
FORM B**

DATE: -----

TO: Dr. Mark Heinrich, Chancellor  
Department of Postsecondary Education  
P. O. Box 302130  
Montgomery, Alabama 36130-2130

FROM: \_\_\_\_\_

ADDRESS: (home) \_\_\_\_\_

SUBJECT: ALLEGED VIOLATION

GRIEVANCE; \_\_\_\_\_

INSTITUTION: \_\_\_\_\_

Appeal Statement(s):

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Signature: \_\_\_\_\_

## **VI) STUDENT CONDUCT CODE REVISIONS**

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The contents of this edition of the Student Conduct Code, revised in October 2012, supersede all previous editions. Chattahoochee Valley Community College reserves the right to revise or correct the Student Conduct Code as needed. Revisions and corrections will be posted on the Internet at **www.cv.edu**. Those revisions and corrections shall supersede all earlier printed and Internet versions.