

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

Automatic suspension or expulsion

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.

Complaints and grievances

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. The name and institutional address and phone number of College officials referred to herein may be obtained from the Office of Student Development.

This grievance procedure is not intended to be used by a student with a complaint about a strictly academic matter, such as grades, work assignments, quality of instruction, fairness of examinations, etc. A CVCC student who wishes to make a complaint about a strictly academic matter should do so using the CVCC grade appeal procedure (see p. 247). A complaint by a student relating to a disability should be reported to the College ADA Coordinator. Other types of complaints should be reported to the Dean of Student Services. If the complaint is about a specific occurrence, the complaint must be made within 10 business days after the occurrence or after the student becomes aware of the occurrence.

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. If the matter at issue involves an allegation of physical abuse or racial, sexual, or other discrimination or harassment, or if the complaint relates to a disability, or if the complaint relates to a matter involving theft or any other act of dishonesty, the respective College official will submit a written report within 10 business days of filing the complaint to the College Grievance Officer describing the complaint and how it was resolved, or how it will be resolved through a “plan of resolution.”

Grievance procedure

If a student’s complaint cannot be resolved in the manner described above, such an unresolved complaint shall be termed a “grievance.” A student who submits a complaint to the appropriate College official or representative in the manner described above, and who is not informed of a satisfactory resolution or plan of resolution of the complaint within 10 business days after the complaint’s submission, has the right to file, within the following 10 business days, with the College Grievance Officer a written statement detailing the grievance. The written grievance statement will be filed using Grievance Form A, which will be provided by the Grievance Officer and must include the following information:

1. Date the original complaint was reported;
2. Name of person to whom the original complaint was reported;
3. Facts of the complaint; and,
4. Action taken, if any, by the receiving official to resolve the complaint.

The grievance statement will also contain any other information relevant to the grievance that the Grievant wants to be considered by the Grievance Officer. If the grievance involves a claim of discrimination based on sex, race, national origin, religion, age, handicap, or disability, the complaining party should state specifically the nature of the discrimination and reference any statute, regulation, or policy that the Grievant believes to have been violated. The Grievant will file any grievance involving alleged discrimination within 45 calendar days of the occurrence of the alleged discriminatory act or the date on which the Grievant became aware that the alleged discriminatory act took place. This deadline is in addition to all other applicable reporting deadlines.

The College will have 30 calendar days from the date of receipt by the College Grievance Officer of the grievance 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. Grievance Form A will be used to report the grievance and hearing findings.

Investigation process

The Grievance Officer, either personally or with the assistance of other person(s) the President may designate, will conduct a factual investigation of the grievance allegations and research each applicable statute, regulation, and/or policy. The College Grievance Officer will determine, after completion of the investigation, whether or not evidence is substantial to support the grievance. The factual findings in the investigation and the conclusion of the grievance officer will be stated in the written report, which will be submitted to the Grievant and to the party or parties against whom the complaint was made (the “Respondent or Respondents”)

and will be made a part of the hearing record, if a hearing is requested by the Grievant. Each of the parties may file written objections to any of the factual findings, and, if a hearing takes place, to make their objections part of the hearing records. Publications or verified photocopies containing relevant statutes, regulations, and policies will also be prepared by the Grievance Officer for the grievance record. If the Grievance Officer finds the grievance is supported by substantial evidence, he/she will make a recommendation in the report as to how the grievance should be resolved. When the Grievant receives the Grievance Officer's report, the Grievant and Respondent(s) will have three business days to notify the Grievance Officer whether or not the Grievant or Respondent(s) demand(s) a hearing on the grievance. The failure by the Grievant or Respondent(s), respectively, to request a hearing by the end of the third business day will constitute a waiver of the hearing. The College Grievance Officer may, nevertheless, at his or her discretion, schedule a hearing on the grievance if it would be in the best interest of the College. If no hearing is conducted, the Grievance Officer's report will be filed with the President, with a copy to be provided to the Grievant and each Respondent.

Hearing process

If the College Grievance Officer schedules a hearing, the President will designate a qualified, three-person committee to conduct the grievance hearing. The hearing committee members will generally be employees of CVCC. However, the President has the discretion to select persons other than CVCC employees to serve as committee members. The committee will notify the Grievant and each Respondent of the time, place, and subject matter of the hearing at least 72 hours before the scheduled beginning of the hearing. The hearing will be conducted in a fair and impartial manner and will not be open to the public unless both parties agree in writing for the hearing to be public.

At the hearing, the Grievant and the Respondent(s) will be read the grievance statement. After the grievance is read into the record, the Grievant may present oral testimony and offer other supporting evidence as he/she shall deem appropriate to his/her claim. Each Respondent will then be given the opportunity to present oral testimony and offer other evidence as he/she deems appropriate to the Respondent's defense against the charges. If the College or the administration of the College at large is the party against whom the grievance is filed, the President will designate a representative to appear at the hearing on behalf of the College.

A party to a grievance hearing has the right to retain, at the respective party's own cost, the assistance of legal counsel or other personal representative. However, the respective representative may act in an advisory role only and may not address the hearing body or question witnesses. If the College or its administration at large is the Respondent, the College representative may not be an attorney or use an attorney unless the Grievant is also assisted by an attorney or other personal representative.

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

Rules of evidence

The hearing committee will inform the participants of the rules relating to the admissibility of evidence. The hearing will be similar to, but less stringent than, those that apply to civil trials in the courts of Alabama.

Generally speaking, irrelevant or immaterial evidence and privileged information, such as personal medical information or attorney-client communications, will be excluded. However,

hearsay evidence and unauthenticated documentary evidence may be admitted if the hearing committee chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a responsible prudent person in conducting his/her affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the hearing committee chairperson will have the authority to rule on the admissibility of the evidence, and this ruling will be final and binding on the parties.

Report of findings and conclusions

Within five working days following the hearing, a written report will be given to the College Grievance Officer (with a copy to the President, the Grievant, and each Respondent) of the findings of the chairperson of the hearing committee. The report will contain at least the following:

1. Date and place of the hearing.
2. The name of each member of the hearing committee.
3. A list of all witnesses for all parties to the grievance.
4. Findings of facts relevant to the grievance.
5. Conclusions of law, regulations, or policy relevant to the grievance.
6. Recommendation(s) arising from the grievance and the hearing thereon.

Resolution of grievance

If the hearing officer/committee finds that the grievance was unfounded or was not supported by the evidence presented, the College Grievance Officer will notify the Grievant of any appeal that may be available to the Grievant. If the finding is that the grievance was supported, in whole or in part, by the evidence presented, the College Grievance Officer will meet with the Grievant, the Respondent(s), and the appropriate College representative(s) and attempt to bring about a reasonable agreed-upon resolution of the grievance. Without a mutual resolution within a reasonable amount of time, the President will impose a resolution of the grievance that will be final and binding, except when the decision may be subject to an appeal to the Chancellor, as discussed below.

Appeal

If the grievance does not involve a claim of illegal discrimination or a claim relating to a disability, the findings of the Hearing Committee will be final and not appealable. If the grievance involves a claim of illegal discrimination or a claim relating to a disability, the Grievant and each Respondent shall have the right to appeal the decision of the Hearing Committee to the President of CVCC, provided that:

1. A notice of appeal is filed, using Grievance Form B, with the College Grievance Officer and the President within 15 calendar days following the party's receipt of the hearing report.
2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s) of the hearing committee.

If the appeal is not filed by the close of business on the fifteenth day following the party's receipt of the report, the party's opportunity to appeal is considered waived. If the appeal does not contain clear and specific objections to the hearing report, it will be denied by the President.

President's review

If an appeal is accepted by the President, the President will have 30 calendar days from receipt of the notice of appeal to review and investigate the allegations contained in the grievance, to review the hearing record, to hold an appeal hearing (if deemed appropriate by the President), and to produce a report of the President's findings of fact and conclusions of law. The President has the authority to (1) affirm, (2) reverse, or (3) affirm in part or reverse in part the findings, conclusions, and recommendations of the Hearing Committee. The President's report will be delivered to the Hearing Committee members, Grievant, and the Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

Appeal to the Chancellor

Except in cases involving a claim alleging a violation of Title IX of the Civil Rights Act of 1964, as amended, the President's findings and conclusions will not be appealable. However, pursuant to applicable State Board of Education policy, a Grievant who is alleging a claim of illegal discrimination based on a violation of Title IX may file an appeal to the Chancellor of the Alabama Community College System for a review of the President's decision and the findings arising from the College grievance hearing. A Grievant who has grounds for appealing the findings of the President by the Chancellor may do so by:

1. Filing a notice of appeal, using Grievance Form C, to the Chancellor and the President of CVCC within 15 calendar days following the Grievant's receipt of the report of the President's findings; and
2. Specifying in the notice of appeal clear and specific objections(s) to the finding(s), conclusion(s), or recommendation(s) affirmed by the President.

If the appeal is not filed with the Chancellor by the close of business on the fifteenth day following the Grievant's receipt of the President's report, the Grievant's opportunity to appeal shall have been waived. If the appeal does not contain clear and specific objections to the President's report, it will be denied by the Chancellor.

Review by the Chancellor

If an appeal is accepted by the Chancellor, the Chancellor will have 30 calendar days from receipt of the Grievant's notice of appeal to investigate and review the allegations contained in the agreement, to review the report of the President and the Hearing Committee, to hold an appeal hearing (if he/she deems such appropriate), and to issue a report of his/her findings of fact and conclusions of law. The Chancellor has the authority to (1) affirm, (2) reverse, or, (3) affirm in part or reverse in part the findings, conclusions, and recommendations of the President and/ or Hearing Committee. The report of the Chancellor will be delivered to the Grievant and the Respondent(s) by personal service or certified mail, return receipt requested, to the respective home addresses of the parties. The report of the Chancellor will not be further appealable except as allowed by the policies of the State Board of Education. However, the Grievant will not be precluded from filing a grievance with an appropriate court or administrative agency.

General rule on filing deadlines

If the last date for filing a document under this procedure falls on a Saturday, Sunday, or legal holiday, the date of the first business day following the respective Saturday, Sunday, or legal holiday shall be considered the deadline date.