

Student Conduct Process

Coastal Alabama Community College strives to maintain an educational community that fosters the development of students who are ethical, civil, and responsible. Students are responsible for reading and reviewing the Code of Student Conduct, and for understanding the responsibilities they assume by enrolling in the College. All are expected to maintain conduct which assures orderly pursuit of educational goals, positive regard for the rights of others, and a safe environment. The following is a summary and explanation of the rights, responsibilities, and rules governing student *conduct* at Coastal Alabama Community College.

A. Jurisdiction of the College's Student Code of Conduct

The college Student Code of Conduct shall apply to conduct that occurs on college premises, at college sponsored activities, and to off-campus conduct that adversely affects the college community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a conduct matter is pending. The administration may also regard actions off-campus, which threaten or harm larger community welfare as occasions for disciplinary action either through normal conduct proceedings or administrative decision. The Student Conduct Administrator shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on an individual basis.

A student must disclose to the Office of Student Conduct any arrests or convictions for a criminal offense—excluding minor traffic violations that do not result in an arrest or injury to others—that occurs after the student is first admitted to the College. This disclosure obligation applies to all arrests and convictions described above that occur inside or outside the State of Alabama at any time, regardless of whether the College is in session at the time. Such disclosures must be made within seven (7) calendar days of the arrest or conviction, whichever occurs first. If the arrest or conviction involves a juvenile proceeding, the Student has been granted youthful offender status, or the conviction has been sealed, expunged, or overturned, the Student is not required to disclose the arrest or conviction.

Failure to comply with this disclosure obligation without a valid legal basis for doing so shall be deemed a violation of the Code of Student Conduct.

B. Rights and Responsibilities during Student Conduct Proceedings

Responding Student Rights. Students responding to student complaints are afforded the following rights in Student Conduct proceedings:

1. To be informed in writing of the alleged violation(s) and alleged misconduct.
2. To not be presumed responsible of any alleged violations unless so found through the appropriate student conduct proceeding.
3. To have an advisor during preliminary hearing, formal hearing, and appeals hearing.
4. To request reasonable accommodations through ADA to participate in these proceedings.
5. To have a reasonable length of time to prepare a response.
6. To be informed of the evidence upon which a charge is based and afforded an opportunity to offer a relevant response.
7. To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence.
8. To be afforded privacy.
9. To request that a staff member be disqualified from serving in the conduct process based on the grounds of personal bias.
10. To appeal a decision based on approved grounds.

Complainant Student Rights. Students submitting student complaints are afforded the following rights in Student Conduct proceedings:

1. To be informed in writing of the violation(s) and alleged misconduct.
2. To have an advisor during preliminary hearing, formal hearing, and appeals hearing.
3. To request reasonable accommodations through ADA to participate in these proceedings.
4. To have a reasonable length of time to prepare a response.
5. To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence.
6. To be afforded privacy.
7. To request that a staff member be disqualified from serving in the conduct process based on the grounds of personal bias.
8. To appeal a decision based on approved grounds.

C. Student Conduct Process

Any student whose presence poses a threat of danger to persons or property or a threat of disruption to the academic process may be immediately removed from campus by the Dean of Student Services or Campus Police. In this situation, written notice of the charge of misconduct and Interim Measures will be delivered to the student by campus police. Any student who is removed from campus, must contact campus police before returning to campus for hearing.

Step 1: Complaint is filed with the Student Conduct Office (Online Form)

A complaint can be submitted by any member of the campus community. This can include student, faculty, staff, campus police, or visitor.

Step 2: Investigate

After receiving a complaint, a Student Conduct Administrator will begin an investigation. The SCA will schedule a preliminary conference with the respondent to determine if a violation has occurred. If it is determined that a violation has occurred and there is evidence to proceed, case will move to a *Preliminary Hearing Conference*, if not case will remain open as an *Unverified Report*. Both the complainant and the respondent have access to the file.

Step 3: Preliminary Hearing Conference vs. Administrative Formal Hearing

After the investigation is complete, the respondent will be notified in writing via student email of the time and date of their preliminary hearing. The student can bring an advisor to sit with them through the hearing. An advisor can be a counselor, friend, family member, instructor, trusted adult. Advisors cannot speak during the hearing but may serve as a comfort to the student.

Two Resolution Options: Administrative Decision or Administrative Formal Hearing

Administrative Decision -- **Accepting** Responsibility or disposed by the mutual consent of all parties involved.

Student(s) accept(s) responsibility for violating the Code of Student Conduct. SCA will keep the case and determine appropriate sanctions with no opportunity for appeal. Student will receive written notification of the outcome of the hearing.

Administrative Formal Hearing- **Not Accepting** Responsibility

If the student(s) do not accept responsibility and the matter cannot be disposed of by mutual consent, an Administrative Formal Hearing will be scheduled. The SCA who investigated the case will step aside and a new Student Conduct hearing officer will be assigned to hear and decide the case and appropriate sanctions. Student will receive written notification of the outcome of the hearing.

After the Preliminary Hearing Conference is complete, the respondent will be notified in writing via student email of the time and date of their administrative formal hearing. The student is encouraged to submit evidence and/or witness statements on their behalf. The student can bring an advisor to sit with them through the hearing. An advisor can be a counselor, friend, family member, instructor, trusted adult. Advisors cannot speak during the hearing but may serve as a

comfort to the student. The student will receive written notification of the outcome of the hearing and steps for appeal. When the student is notified of the decision of the Administrative Formal Hearing, that student will have 72 hours to submit a request for an appeal.

Step 4: Appeal Process

The **Code of Student Conduct** provides students the right to appeal the decision of the Administrative Formal Hearing. However, the Code provides specific grounds upon which students can appeal:

- Procedural error.
- Discovery of substantial new evidence that was unavailable at the time of the hearing and which reasonably could have affected the decision of the hearing body; or
- Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

When the student is notified of the decision of the Administrative Formal Hearing, that student will have 72 hours to submit a request for an appeal.

Step 5: Student Conduct Appeals Committee

The Code of Student Conduct provides students the right to an appeal. If an appeal is granted, the case will be heard and decided by the Student Conduct Appeals Committee. This committee is made up of College faculty, staff and students.

This decision is final. Notification of outcome must be provided to both the complainant and respondent.

Step 6: Exit/Entrance and Continuing Counseling

After the final decision has been made, the student(s) should meet with a College counselor to discuss future academic plans, additional services and community referrals (as needed). This applies to both the complainant and respondent.



D. Conduct

Category 1: Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions

- 1.1 Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, on or off campus.
- 1.2 Disrespect (harassment, non-compliance, defamation, and obscenity) for a college official while carrying out their official job responsibilities.
- 1.3 Failure to comply with directions of college officials acting in performance of their duties and/or failure to identify oneself and present College ID to these persons when requested to do so.
- 1.4 Use, possession, manufacturing, or distribution of alcoholic beverages or public intoxication. The display, on campus, of any alcoholic beverage in the original container by anyone, regardless of age.
- 1.5 Use of tobacco, e-cigarette, smokeless tobacco or like product on campus.
- 1.6 Participation in any form of gambling.
- 1.7 Violation of policies set forth in the Residence Life section of the Student Handbook.
- 1.8 Littering is strictly prohibited on all campuses

Category 2: Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions

- 2.1. Habitual or egregious Category I violations.
Acts of dishonesty, including but not limited to the following:
Cheating, plagiarism, or other forms of academic dishonesty as outlined in the student handbook.
- 2.2. Furnishing false information to any college official, faculty member, or office.
Forgery, alteration, or misuse of any college document, record, or instrument of identification.
Obtaining services by false pretenses, including funds, supplies, equipment, labor, and/or spaces.
- 2.3. Physical, mental, verbal abuse, threats, intimidation, harassment, coercion, and/or conduct, including, but not limited to abuses on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age and disability, of any person on college premises or at College-sponsored or College-supervised functions, which threatens or intimidates, or endangers the health or safety of any person.
- 2.4. Sexual misconduct such as sexual harassment, sexual exploitation, sexual assault, stalking, intimate partner violence, cyber misconduct, or any other sexually related unwanted behaviors. (See Title IX and Sexual Misconduct Policy)
- 2.5. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property, on or off campus.
Hazing and/or Bullying, defined as any act or behavior whether physical, emotional, or psychological, which subjects a person, voluntarily or involuntarily, to abuse, mistreatment, degradation, humiliation, harassment, embarrassment, or intimidation, or which may in any fashion compromise her or his inherent human dignity. The express or implied consent of the victim will not be a defense.
- 2.6. Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises, including trespassing.
- 2.7. Making, transmitting or promotion of any video, audio or data recording which is reasonably determined to be of an obscene, profane, abusive, indecent, or violent nature which bring disrepute to the College or any student or employee of the College.
- 2.8. Violation of any federal, state or local law.
Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, or possession of drug paraphernalia except as expressly permitted by law.
- 2.9. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited by Coastal Alabama Community College on any property owned, leased, or controlled by the College or during any activity conducted, sponsored, or authorized by or on behalf of Coastal Alabama Community College. A "controlled substance" shall include any substance defined as a controlled substance in Section 102 of the Federal Controlled Substance Act (21 U.S. Code 802) or in the Alabama Uniform Controlled Substance Act (Code of Alabama, Section 20-2-1, et seq.).
- 2.10. Possession of firearms, explosives, fireworks, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
- 2.11. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community.
- 2.12. Arson or other intentional setting of fires or misuse of alarms or equipment.
Abuse of the Student Conduct System, including but not limited to:
Failure to obey the notice from Student Conduct Staff or college official to appear for a meeting or hearing as part of the Student Conduct System.
Falsification, distortion, or misrepresentation of information before Student Conduct Staff.
Disruption or interference with the orderly conduct of a Student Conduct proceeding.
- 2.13. Institution of a Student Conduct proceeding in bad faith.
Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
Attempting to influence the impartiality of a member of Student Conduct Staff and/or the Student Conduct proceeding.
Harassment (verbal or physical) and/or intimidation of a member of Student Conduct Staff prior to, during, and/or after a Student Conduct proceeding.
Failure to comply with the sanction(s) imposed under the Student Code.

E. Sanctions

1. Sanctions for Category 1 Violations:

One or any combination of sanctions, as appropriate:

- **Administrative Letter of Reprimand**-A written letter from the Student Conduct Administrator. The letter may include a sanction or a warning to a student that conduct was inappropriate, and that further misconduct will result in more severe disciplinary action.
- **Probation**- A status between good standing and suspension from the College. It is ordinarily imposed for a period of not less than one semester. It may also include such restrictions as a denial of the opportunity to represent the College as officer or member of a student organization. Future violations may result in additional sanctions
- **Restitution**- Repayment for theft or damage
- **Fines**-Monetary payments for violations
- **Discretionary Sanctions**-Seminars or mentoring, research project or service to the College
- **Building/Facility Suspension**-Suspension from a building or space on campus
- **Contact parents**- FERPA permits a college to notify parents of students under the age of 21 know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

2. Sanctions for Category 2 Violations:

Any combination of sanctions for Category 1 Violations, including:

Class Suspension- class suspension is defined as a temporary separation from the college, for one or more semesters. Once suspended, a student is withdrawn from course rolls. The student will not receive credit for those courses and will not be allowed to attend any College-sponsored event or activity.

A student who completes all required sanctions will be welcomed back to the College after the suspension period. Though, sometimes the student's return comes with one or more of the following stipulations:

- Not permitted to live on campus
- Can no longer participate in (*certain activity*)
- Subject to random drug screenings
- Restricted from certain campus areas or buildings

Dismissal- A permanent separation from the College. When dismissed, a student is withdrawn from course rolls and is no longer allowed on ANY campus. Students who are dismissed from campus have a hold place on their account and cannot later enroll.

3. Determining Sanctions: Each student situation will be evaluated individually when considering the following mitigating and aggravating impacts:

- The nature of the violation
- A student's level of involvement in the violation
- Actual harm caused by the behavior
- The potential risk of harm
- The student's intent
- The impact on the campus community
- The severity and pervasiveness of the behavior
- The student's demonstrated understanding and sincere remorse
- The student's level of cooperation and compliance
- The level of success of prior intervention

F. Violation of Law and College Conduct

Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved

in favor of or against the criminal law defendant. The college will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

G. Interim Sanction (IS), No Contact Order (NCO) and No Contact Agreement (NCA)

Coastal Alabama is committed to providing support and resources to any student who may be the recipient of violence, assault and persistent unwanted or harassing contact by another student. Any student whose presence poses a threat of danger to persons or property or a threat of disruption the academic process may be immediately removed from campus by the Dean of Student Services. In this situation, written notice of the charge of misconduct and Interim Measures will be delivered to the student by campus police and the Judicial Officer will conduct an expedited hearing. Any student who is removed from campus must contact campus police before returning to campus for preliminary hearing conference. It may become necessary for the College to formalize an arrangement between two students to no longer have contact with one another other than that which is necessary for either party to continue their academic pursuits. Such an arrangement is designed as a protective measure to help mitigate the potential for future problematic interactions between the two students.

- **Interim Sanction (IS)** is a directive from the Dean of Students or the SCA removing a student from campus in advance of a preliminary hearing conference.
 - **No Contact Agreement (NCA)** is a mutual agreement between two students who voluntarily affirm that they will not have direct contact with each other, or make indirect contact through third parties, except for that which is necessary for their academic pursuits.
 - **No Contact Order (NCO)** is a directive from the Office of Student Conduct indicating that two students may not have direct contact with each other, or make indirect contact through third parties, except for that which is necessary for their academic pursuits.
1. A No Contact Order is an official College notice from the Office of Student Conduct restricting two Coastal Alabama Community College students from initiating contact with each other.
 2. A No Contact Order may be issued a measure protecting the safety of the complainant or in response to a student who has been found responsible for an interpersonal violence offense and who is returning to campus following a period of suspension.
 3. A No Contact Order remains in place until it has been terminated, in writing, following a determination that the arrangement is no longer warranted or necessary.