

05.06 Student Code of Conduct

Original Approval: **DATE**

Last Updated: **DATE**

Last Reviewed: **DATE**

Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to maintain a Student Code of Conduct.

Scope:

This policy applies to all WCCS students.

Definitions:

Academic Dishonesty: Academic dishonesty includes but is not limited to:

- Cheating: The use or attempted use of unauthorized materials, information, study aids, the answers of others, or computer related information;
- Plagiarism: Claiming as one's own the ideas, words, data, computer programs, creative compositions, artwork, etc., done by someone else. Examples include improper citation of referenced works, use of commercially available scholarly papers, failure to cite sources, or copying another's ideas;
- Fabrication: Presenting as genuine, falsified data, citations, or quotations;
- Abetting: Helping another student commit an act of academic dishonesty. Examples include allowing a fellow student to copy quiz/examination answers or use one's work as their own;
- Misrepresentation: Falsification, alteration, or misstatement of the contents of documents, academic works, or other materials related to academic matters, including works substantially done for one class as work done for another without receiving prior approval from the instructor.

Details:

1. **Student Bill of Rights:** The College will strive to protect the rights of its citizens. In order to protect the rights of its citizens, the institution has developed a Student Code of Conduct. Violation of this code will result in disciplinary action against the student. The College reserves the right to dismiss any student who's on or off campus behavior is considered undesirable or harmful to the College. Reasonable standards of conduct are expected from all students. All conduct of students is subject to college jurisdiction, regardless of where the conduct occurs. The College will strive to protect students' individual freedoms and rights as listed below:
 - Freedom of speech and expression;
 - Freedom of assembly;
 - Freedom of inquiry;
 - Freedom from all acts of violence;
 - Freedom from interference with the learning experience / educational environment;
 - Freedom from unfair or obscene treatment and acts of personal violence from any member of the college community, as well as others from outside the community;
 - Freedom from destruction or theft of personal property;

- Right to substantive and procedural due process in all college disciplinary proceedings;
 - Right to petition for redress of grievances;
 - Right to be informed of all college policies, procedures, and regulations governing social and academic conduct, as well as academic progress and graduation; and
 - Right to equitable and fair governance.
2. **Jurisdiction:** The College Student Code of Conduct will 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 will be responsible for their 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 will apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students Office will decide whether the Student Code of Conduct will be applied to conduct occurring off campus, on a case-by-case basis.

A student must disclose to the Dean of Students Office 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 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 will be deemed a violation of the Student Code Conduct.

3. **Rights and Responsibilities During the Student Code of Conduct Proceedings:**

- a. **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 ensure privacy to the extent possible.
 - 9) To request that an employee be disqualified from serving in the conduct process based on the grounds of personal bias.
 - 10) To appeal a decision based on approved grounds.
- b. **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 ensure privacy to the extent possible.
 - 7) To request that an employee be disqualified from serving in the conduct process based on the grounds of personal bias.
 - 8) To appeal a decision based on approved grounds
4. **Violation of Law and College Conduct:** Determinations made or sanctions imposed under this Student Code of Conduct will 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.
5. **Academic Grievances:** Academic grievances include, but are not limited to, such conduct as alleged academic dishonesty, grade disputes, unfair grading, and instructor disputes. Refer to the Grade and Readmission Appeals Policy.

6. **Sexual Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX):** Refer to the Sexual Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX) Policy.
7. **Waiver of Due Process Hearing:** If a student(s) accepts responsibility of an offense that warrants disciplinary action by the Dean of Students Office and wishes to do so, that student(s) may waive the right to a hearing and accept the decision of the Dean of Students Office. Once the student(s) selects to waive their right to a due process hearing and an administrative decision is made, that decision is final with no appeal.
 - Accepting Responsibility
 - Disposed by Mutual Consent
8. **Conduct Violations:**
 - a. **Category 1:** Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions:
 - 1) Conduct which impedes orderly pursuit of educational goals, positive regard for the rights of others, and a safe environment.
 - 2) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, on or off campus.
 - 3) Disrespect (harassment, non-compliance, defamation, and obscenity) for a college official while carrying out their official job responsibilities.
 - 4) 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.
 - 5) 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.
 - 6) Use of tobacco, e-cigarette, smokeless tobacco or like product on campus.
 - 7) Participation in any form of gambling.
 - 8) Violation of policies referred to in the **Residence Halls Policy** or Residence Hall Handbook.
 - b. **Category 2:** Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions:
 - 1) Habitual (two or more incidents) or egregious Category I violations.
 - 2) Acts of dishonesty, including but not limited to the following:
 - Cheating, plagiarism, or other forms of academic dishonesty as referenced in the Grade and Readmission Appeals Policy.
 - 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.
- 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.
 - 4) Sexual Misconduct, which includes, but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying, cyber-bullying, aiding or facilitating the commission of a violation, and retaliation. Refer to the Sexual Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX) Policy.
 - 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.
 - 6) 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.
 - 7) Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises, including trespassing.
 - 8) Making, transmitting or promotion of any print or electronic communication 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.
 - 9) Violation of any federal, state or local law.
 - 10) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled. Refer to the Drug Free College and Workplace Policy.
 - 11) 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. Refer to the Safety and Security Policy.
 - 12) 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.

13) Arson or other intentional setting of fires or misuse of alarms or equipment.

14) 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 Dean of Students Office.
- Disruption or interference with the orderly conduct of a Student Conduct or Student Judiciary proceeding.
- 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 the Dean of Students Office prior to, and/or the Student Conduct or Student Judiciary proceeding.
- Harassment (verbal or physical) and/or intimidation of a member the Dean of Students Office prior to, during, and/or after a Student Conduct proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.

9. **Interim Measures (IM), No Contact Order (NCO), and No Contact Agreement (NCA):**

WCCS 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 to the academic process may be immediately removed from campus by the Dean of Students. In this situation, written notice of the charge of misconduct and Interim Measures will be delivered to the student by College Police and the Dean of Students Office will conduct an expedited hearing. Any student who is removed from campus must contact campus police College 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.

- a. **Interim Measures (IM)** is a directive from the Dean of Students Office removing a student from campus in advance of a preliminary hearing conference.
- b. **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.
- c. **No Contact Order (NCO)** is a directive from the Dean of Students Office 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.
 - No Contact Orders issued after a finding of responsibility are most often binding only on the responding party. However, in limited circumstances, they may be mutual.
 - A No Contact Order is an official College notice from the Dean of Students Office restricting two WCCS students from initiating contact with each other.
 - 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.

- 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.

10. **Sanctions:**

a. **Sanctions for Category 1 Violations:** One or any combination of sanctions, as appropriate:

- 1) **Administrative Letter of Reprimand:** A written letter from the Dean of Students Office. 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.
- 2) **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.
- 3) **Restitution:** Repayment for theft or damage.
- 4) **Fines:** Monetary payments for violations.
- 5) **Discretionary Sanctions:** Seminars or mentoring, research project or service to the College.
- 6) **Building/Facility Suspension:** Suspension from a building or space on campus.
- 7) **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.

b. **Sanctions for Category 2 Violations:** Any combination of sanctions for Category 1 Violations, including:

- 1) **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. Upon approval of the Dean of Students, the student's return may include 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

- 2) **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.
- c. **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

Procedure(s):

Academic Dishonesty Grievance Procedures (Prior to Final Exams)

1. The student is to discuss the complaint with their instructor. Students should attempt to resolve complaints prior to start of final exams in the semester for which the complaint has occurred. The instructor is to provide a written response to the student with a decision regarding the complaint within five (5) business days.
2. If the student does not agree with the resolution, the student may submit the complaint and results of the instructor's resolution to the appropriate Division Chair. Division Chair contact information is listed in the course syllabus. The Division Chair is to respond to the complaint within five (5) business days.
3. If the student is not satisfied with the response of the Division Chair, the student will email the Dean of Instruction within five (5) business days indicating their desire to submit an Academic Dishonesty Grievance.

The Dean of Instruction will provide a copy of the **Academic Dishonesty Grievance Form** in which the student should complete and return via email. The Dean of Instruction will review the grievance and submit findings within 5 business days.

4. Disciplinary actions for academic dishonesty range from:
 - a grade of "F" or a "0" for the respective assignment or test;
 - an "F" (failure) for the respective course;
 - resubmission of an assignment or retaking a test;
 - a reprimand in writing with clear consequences for subsequent incidents;
 - impose other similar sanctions designed to preserve academic integrity.

The student must be given written notice by the course instructor addressing the academic misconduct before disciplinary action can be applied. The student is to be given the

opportunity to prove they did not perform the act of academic dishonesty prior to imposing disciplinary sanctions.

If the instructor feels the College's Student Code of Conduct has been breached, the misconduct may be referred to the Dean of Students Office for disciplinary review. Only the Dean of Students Office may suspend or expel a student.

Academic Complaint and Grade Appeals Procedures (After Final Exams)

- Refer to the Grade and Readmission Appeals Policy.

Student Conduct Procedures

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 Students Office or College 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 College Police before returning to campus for hearing.

1. **Complaint is filed with the Dean of Students Office:** A complaint can be submitted by any member of the campus community. This can include student, faculty, staff, campus police, or visitor. Complete a **Student Code of Conduct Violation-Incident Report**.
2. **Investigate:** After receiving a complaint, a member of the Dean of Students Office will begin an investigation. The Dean of Students Office will schedule a preliminary conference with the respondent to determine if a possible violation has occurred. If it is determined that the investigation finds that there is evidence to proceed, the case will move to a *Preliminary Hearing Conference*. If not, the case will remain open as an *Unverified Report*. Both the complainant and the respondent have access to the file.
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, and/or trusted adult.
 - a. **Two Resolution Options:** Administrative Decision or Administrative Formal Hearing:
 - 1) Administrative Decision **Accepting Responsibility** or disposed by the mutual consent of all parties involved.

Student(s) accept(s) responsibility for violating the Student Code of Conduct. Dean of Students Office will keep the case and determine appropriate sanctions with no opportunity for appeal. Student will receive written notification of the outcome of the hearing.
 - 2) 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 initial hearing officer assigned by the Dean of Students Office who investigated the case will step aside and a new hearing officer will be assigned to 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 to the Dean of Students Office. The student can bring an advisor to sit with them through the hearing. An advisor can be a counselor, friend, family member, instructor, and/or trusted adult. 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 three (3) business days to submit a request for an appeal.

Student Conduct Appeal Procedures

1. The Student Code of 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 three (3) business days to submit a request for an appeal.

2. **Student Conduct Appeals:** The Student Code of Conduct provides students the right to an appeal. If an appeal is granted, the case will be heard and decided by the Dean of Students or Designee.

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

3. **Exit/Entrance and Continuing Counseling:** After the final decision has been made, the student(s) should meet with an Academic Advisor to discuss future academic plans, additional services, and community referrals (as needed). This applies to both the complainant and respondent.
4. **Sanctions:** After the final decision has been made, sanctions may be issued to a student. Refer to the Conduct Violations, Interim Measures, and Sanctions sections above for additional information.

Additional Provisions / Information:

NOTE: Some academic programs (for example, Nursing) may require additional or more stringent Student Code of Conduct requirements. Refer to the applicable Program Handbook for additional information.