

the committee shall be recorded by tape recorder or other mechanical means, and a copy shall be made available to the student and/or the instructor upon request. After the hearing, the Academic Honesty Committee shall conduct its deliberations in a closed and confidential session. When, following its deliberations, the committee reaches a decision, the committee chairman shall inform the Dean of Instruction and the president of the College of that decision. The dean shall then inform the student and the instructor of the committee's decision.

9. In the event either the student or the instructor disagrees with the verdict of the Academic Honesty Committee, either may within five working days request a review by the president of the college. The request shall be submitted in writing to the Office of the President and a copy of the request shall be submitted to the Dean of Instruction.
10. Upon the request of either the student or the instructor, the president shall review the decision of the committee and may confirm, modify or deny the decision of the committee. Such review shall not consist of an additional hearing but shall be a review of the facts and of the committee's findings.
11. The president shall render a decision within five working days and shall inform all parties involved of that decision.
12. The decision of the president shall be final.

MISCELLANEOUS PROVISIONS

1. A student charged with a violation of the Academic Honesty Code may continue to be enrolled in the class until such time as the issue is resolved and the complaints/appeals process is concluded.
2. In the event a student charged with a violation of the Academic Honesty Code elects to withdraw from the class where the violation occurred or to withdraw from the college, such student shall never the less be subject to answering the charges and subject to such penalties as may be imposed at the various levels of the complaints/appeals process.

EXCLUSION FROM CLASS

Classes must be informed in writing by the instructor about the specific requirements of that instructor regarding individual classroom policies. When a student is in violation of a classroom or college policy that results in disruption or interference with the regular operation of a class, an instructor may exclude the student from class. At the discretion of the instructor, the student may be allowed to return to class the following class meeting. Should the instructor determine that the exclusion should be permanent, he or she will inform the student in writing by the next class meeting. The notice will also inform the student of his or her right to appeal the decision by requesting a conference with the appropriate dean or associate dean within three business days of receipt

of the notice of permanent exclusion. If the student fails to request such conference, then he or she will have waived the right to further appeal and the exclusion will become final. Final exclusion from class will result in the grade of "RW" being assigned for that class. If a grade of "RW" is assigned, then the student will not receive a refund of tuition and fees.

If a conference is requested, then it must be held within three business days after the receipt of the student's request. The appropriate dean or associate dean shall inform the student in writing of his or her decision regarding the permanent exclusion within three business days after the conference. If the student is reinstated in the class, then classes missed during the period of exclusion will not count as absences. If the dean or associate dean upholds the permanent exclusion, then the student may appeal in writing to the Dean of Instruction within three business days of the decision of the dean or associate dean. Failure to appeal within the prescribed time limit shall constitute a waiver of the right to appeal and the decision shall become final. The Dean of Instruction shall inform the student in writing of his or her decision regarding the permanent

exclusion within three business days of receipt of the appeal. A decision by the Dean of Instruction may be appealed to the president of the College for final disposition. The student must request review by the president within three business days of the decision of the Dean of Instruction.

CODE OF STUDENT CONDUCT

Jefferson State Community College recognizes that students are both citizens and members of the academic community. Upon enrolling in the college, each student assumes an obligation to conduct himself in a manner compatible with the College's function as an educational institution. Students are expected to obey both the statutes of local, state, and federal government and the College's policies. The College may discipline a student for violating its standards of student conduct even though the student is also penalized by the local, state, and federal authorities for the same act.

The Code of Student Conduct and established disciplinary procedures apply to individual students, as well as formal groups of students, and state the function of students, faculty, and administrative staff members of the College in disciplinary proceedings. The College has jurisdiction for disciplinary purposes over a person who was a student at the time he/she allegedly violated the College's policies.

Article I: Definitions

1. The term "College" means Jefferson State Community College.
2. The term "student" generally includes all persons taking credit courses at the College, both full-time and part-time.
3. The term "faculty member" means any person hired by the College to conduct classroom activities.
4. The term "staff" means any person hired by the

- College to perform support activities.
5. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
 6. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. The dean shall determine a person's status in a particular situation.
 7. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
 8. The term "organization" means any number of persons who have complied with the formal requirements for College recognition.
 9. The term "College Conduct Committee" means an appointed group of College representatives authorized by the vice president for Student Affairs or designee to determine whether a student has violated the Code of Student Conduct and to impose sanctions upon students found to have violated the Code of Student Conduct.
 10. The term "dean" means the person authorized by the College President to consider an appeal from a College Conduct Committee's determination that a student has violated the Code of Student Conduct.
 11. The term "shall" is used in the imperative sense.
 12. The term "may" is used in the permissive sense.
 13. The vice president for Student Affairs or designee is that person designated by the College President to be responsible for the administration of the Code of Student Conduct. The vice president for Student Affairs or designee may simultaneously serve as a judicial officer and the sole member of a judicial body in the case of administrative disposition. Nothing shall prevent the vice president for Student Affairs or designee from imposing sanctions in cases of administrative disposition of charges.
 14. The term "policy" is defined as the written regulations of the College as found in, but not limited to, the Code of Student Conduct and the College Catalog and Student Handbook.

Article II: Judicial Authority

1. The vice president for Student Affairs or designee shall determine the member composition of a College Conduct Committee. A committee is composed of the president or dean of the Student Government Association, one student-at-large, and three representatives from the faculty or staff appointed by the vice president for Student Affairs or designee. The vice president for Student Affairs or designee shall appoint the committee chairperson. The minimum attendance to hear a case is four with at least one of that number being a student.

2. The vice president for Student Affairs or designee shall develop procedures for the administration of the judicial program and procedural rules for the conduct of hearings that are not inconsistent with provisions of the Code of Student Conduct.
3. Decisions by a College Conduct Committee shall be final, pending the normal appeal process.

Article III: Proscribed Conduct

1. Jurisdiction of the College
 - A. Generally, College jurisdiction and discipline shall be limited to conduct which occurs on College premises, in online coursework or which occurs while participating in off-campus activities as part of a recognized College group.
2. Conduct - Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

 - A. Acts of dishonesty, including but not limited to the following:
 - i. Furnishing false information to any College official, faculty member or office.
 - ii. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
 - iii. Tampering with the election of any College recognized student organization.
 - B. Disruption or obstruction of teaching, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or other authorized non-College activities. Classroom and laboratory use of pagers, cellular telephones, and other electronic communication devices is prohibited.
 - C. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.
 - D. Threatened, 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; attempted or actual selling of stolen property.
 - E. Hazing, defined as an act which endangers the mental or physical health or safety of a student, 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.
 - F. Failure to comply with directions of College officials or law enforcement officers acting in

- performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- G. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry or use of College premises.
- H. Violation of published College policies, rules or regulations.
- I. Violation of federal, state or local law on College premises or at College sponsored or supervised activities.
- J. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
- K. Use, possession or distribution of alcoholic beverages.
- L. Possession of firearms, explosives, other weapons, or dangerous chemicals. Duly authorized peace officers, wearing or carrying firearms, are required to display their official badges at all times while on campus or at College-sponsored activities.
- M. Participation in a campus demonstration which disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- N. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
- O. Conduct which 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.
- P. Theft or other abuse of computer resources, including but not limited to:
 - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - ii. Unauthorized transfer of a file.
 - iii. Unauthorized use of another's identification and/or password.
 - iv. Use of computing facilities to interfere with the work of another student, faculty member or College official.
 - v. Use of computing facilities to send obscene or abusive messages.
 - vi. Use of computing facilities to interfere with normal operation of College operations.
 - iv. Disclosing data in violation of the Family Educational Rights and Privacy Act of 1974.
- Q. Gambling on the College campus or at any activity approved by the college.
- R. Abuse of the Judicial System, including but not limited to:
 - i. Failure to obey the summons of a judicial body or College official.
 - ii. Falsification, distortion, or misrepresentation of information before a judicial body.
 - iii. Disruption or interference with the orderly conduct of a judicial proceeding.
 - iv. Institution of a judicial proceeding knowingly without cause.
 - v. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - vi. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
 - vii. Harassment and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
 - viii. Failure to comply or violating the terms of any sanction(s) imposed under the Code of Student Conduct.
 - ix. Influencing or attempting to influence another person to commit an abuse of the judicial system.
3. Violation of Law and College Discipline
 - A. College disciplinary proceedings may be instituted against a student charged with a violation of a law which is also a violation of this Code of Student Conduct. For example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
 - B. When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Code of Student Conduct, however, the College may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the College community. The College will cooperate fully 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. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Judicial Procedures

1. Charges
 - A. Any member of the College community may file charges against any student for misconduct.
 - B. Charges shall be prepared in writing and directed to the vice president for Student Affairs or designee responsible for the administration of the College judicial system. Any charge should be submitted as soon as possible after the event takes place.
2. Accused Student's Rights

An accused student has certain rights. A written statement outlining these rights shall specify that the student shall:

 - A. Have the right to remain silent.
 - B. Have the right to an advisor.
 - C. Have the right to summon witnesses and present evidence.
 - D. Have the right to be informed that any statements the student may make, oral or written, may be presented to the College Conduct Committee.
 - E. Have the right to a hearing before a College Conduct Committee.
3. Initial Investigation
 - A. Upon receipt of a written complaint, the vice president for Student Affairs or designee may conduct any investigation to determine if the charge has merit. The vice president for Student Affairs or designee may obtain documents and interview those who might have pertinent information related to any investigation. The vice president for Student Affairs or designee may tape record any proceedings associated with the investigation of a charge.
 - B. The vice president for Student Affairs or designee shall meet with the accused student and present him with the complaint filed against him. Subject to constitutional restrictions, the student shall be required to attend this conference, generally not less than five nor more than fifteen calendar days after the student has been notified. Time limits for scheduling of conferences may be adjusted at the discretion of the vice president for Student Affairs or designee.
 - C. Based on the information established during the initial investigation, the vice president for Student Affairs or designee may dismiss the case for reasons of inaccurate charges or insufficient evidence. If sufficient evidence is established, the vice president for Student Affairs or designee shall proceed with investigation of the allegations. Nothing in this section IV(C)(3), however, shall prohibit the reconsideration of charges should additional evidence become available.
4. Administrative Disposition
 - A. An accused student may request administrative disposition of the charges by waiving the right to a hearing before the College Conduct Committee or by making a voluntary written statement of responsibility and waiving the right to a hearing.
 - B. Should the accused student desire administrative disposition, he shall sign a statement indicating that he understands the formal charges, his rights, and the waiver of the right to a hearing and appeal.
 - C. Upon the request of the accused student, the vice president for Student Affairs or designee may administratively dispose of a violation if, in his discretion, it is in the best interest of the College and the parties involved.
 - D. The vice president for Student Affairs or designee shall determine responsibility by examination of evidence, testimony, and/or admission of responsibility by the accused student.
 - E. The sanctions imposed by the vice president for Student Affairs or designee shall not differ from those sanctions available to the College Conduct Committee.
5. Formal Hearing
 - A. In the event the accused student or the vice president for Student Affairs or designee requests a hearing of the charges before the College Conduct Committee, the vice president for Student Affairs or designee shall provide the accused student a written statement of the charges. This statement provides reasonable notice of the circumstances on which the alleged violation is based. Said notice shall include the date, time, and place of the hearing. The statement shall advise the accused student that he may appear alone or with an advisor. Additionally, the statement shall set out that the accused student will be provided the opportunity to present evidence in his own behalf.
 - B. The hearing before the College Conduct Committee shall be scheduled as soon as practical. Time limits for scheduling of the hearing may be adjusted at the discretion of the vice president for Student Affairs or designee.
 - C. The accused student may inspect exhibits to be presented to the College Conduct Committee prior to the hearing. Time limits for inspection of exhibits may be adjusted at the discretion of the vice president for Student Affairs or designee.
 - D. Hearings normally shall be closed to the public. At the request of the accused student

- and subject to the discretion of the chairperson, the public may be admitted but shall not have the privilege of participating in the hearing.
- E. In situations involving more than one accused student, the chairperson of the College Conduct Committee, in his discretion, may permit the hearing concerning each student to be conducted separately.
- F. The complainant and the accused student may be assisted by one advisor each, at their own expense. An advisor may be an attorney. The complainant and the accused student are responsible for presenting their own cases. Therefore, advisors are not permitted to speak or to participate directly in the hearing before the College Conduct Committee. The vice president for Student Affairs or designee and College Conduct Committee may also be assisted by advisors they select. These advisors are not permitted to speak or to participate directly in the hearing.
- G. The complainant, accused student, vice president for Student Affairs or designee, and College Conduct Committee shall have the privilege of presenting witnesses, subject to the right of reasonable cross-examination by all parties. The vice president for Student Affairs or designee shall make requests for the appearance of witnesses at a hearing.
- H. The College Conduct Committee shall not have the power to require sworn testimony of witnesses. A requested witness may decline to make an oral or written statement. An accused student has the right to remain silent, and such silence shall not be used against him. A violation of the Code of Student Conduct may never the less be found based upon the evidence presented.
- I. Written statements from absent witnesses shall be admissible when a witness is unable to attend the hearing. If significant portions of a written statement are challenged, the College Conduct Committee may continue the hearing until the witness may appear for questioning, disregard the challenged portions, or note the challenged portions.
- J. An accused student's prior record may not be used to prove responsibility. However, the College Conduct Committee may consider this prior record when determining the appropriate disciplinary sanction.
- K. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a College Conduct Committee at the discretion of the chairperson. The College Conduct Committee shall not be bound by state or federal rules of evidence but may allow or exclude evidence, including testimony of witnesses, at the discretion of the chairperson.
- L. All procedural questions are subject to the final decision of the chairperson of the College Conduct Committee.
- M. After the hearing, the College Conduct Committee shall determine by majority vote of the members present, excluding the chairperson, whether the student has violated each section of the Code of Student Conduct that the student is charged with violating. The chairperson will vote only to break a tie.
- N. The College Conduct Committee's determination shall be made on the basis of whether it is more likely than not the accused student violated the Code of Student Conduct.
- O. There shall be a single verbatim record, such as a tape recording, of all hearings before a College Conduct Committee. The record shall be the property of the College.
- P. Except in the case of a student charged with failing to obey the summons of a College Conduct Committee or College official, no student may be found to have violated the Code of Student Conduct solely because the student failed to appear. In all cases, the evidence in support of the charges shall be presented and considered. Other evidence may also be presented and considered at the discretion of the chairperson.
- Q. In the event an accused student fails to attend a formal hearing after notification of the designated date, hour and location, he waives the right to appear before the College Conduct Committee. In the absence of the accused student, the Committee's determination shall be based on the evidence and testimony presented. If the accused student is unable to attend the hearing for good cause, he shall make a written request stating the reason for delay at least three college working days prior to the designated date. This request shall be directed to the vice president for Student Affairs or designee. The chairperson of the College Conduct Committee shall review the request and determine if an extension will be granted. If approved by the chairperson, a new date shall be established and appropriate notification will be provided to all parties involved. If the chairperson does not approve the request, the accused student shall be notified of the chairperson's decision to continue to hold the hearing as scheduled. Only one extension shall be granted, thereafter, the accused student has forfeited the right to present a

defense and the Committee may proceed with the hearing.

The Committee's determination shall be based on the evidence and testimony presented. In extenuating circumstances, this section IV (Q) may be modified at the discretion of the chairperson.

- R. The College Conduct Committee shall make every effort to hear a case in a timely manner in order to remove any question the accused student has about continuance at Jefferson State Community College. If a student withdraws from the College before appearing before the College Conduct Committee, a hearing date shall be established. Pending the outcome of the hearing, a disciplinary hold shall be placed on the accused student's record. If the Committee determines that a sanction is warranted, the sanction shall become effective upon the date of the student's notification unless the Committee recommends otherwise.

6. Sanctions

- A. The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct. More than one of the sanctions listed below may be imposed for any single violation.
- i. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
 - ii. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
 - iii. Loss of Privileges - Denial of specified privileges for a designated period of time.
 - iv. Restitution - Compensation for damage to a property limited to the actual cost of repair or replacement.
 - v. Discretionary Sanctions - Work assignments, service to the College or other discretionary actions. Discretionary sanctions (must have the approval of the vice president for Student Affairs or designee).
 - vi. College Suspension - Separation of the student from the College for a definite period of time, after which the student may be eligible to return. To qualify for readmission the student must apply to the College Conduct Committee. The committee shall consider the student's request and make a recommendation to the dean. The dean shall determine if the student is readmitted. Conditions for readmission may be specified.
 - vii. College Dismissal - Indefinite termination of

student status from the college for a period of not less than two years. To qualify for readmission the student must apply to the College Conduct Committee. The committee shall consider the student's request and make a recommendation to the dean. The dean shall determine if the student is readmitted. Conditions for readmission may be specified.

- B. Disciplinary sanctions shall be part of the student's educational records. The College Conduct Committee shall determine if a notation of an imposed sanction shall be placed on the student's academic transcript.
- C. The following sanctions may be imposed upon groups or organizations:
 - i. Those sanctions listed above in Section 6 A, i through v.
 - ii. Deactivation - Loss of all privileges, including College recognition, for a specified period of time.
- D. The vice president for Student Affairs or designee shall be authorized to determine and impose sanctions in the case of administrative disposition. The vice president for Student Affairs or designee shall notify the accused student in writing of the determination and sanction(s), if any. Following a hearing in which the College Conduct Committee shall be authorized to determine and impose sanctions, the chairperson of the College Conduct Committee shall notify the accused student in writing of the Committee's determination and of the sanction(s) imposed, if any. Notification generally shall be provided within a timely manner of the conclusion of the disciplinary proceeding. Time limits may be adjusted at the discretion of the chairperson of the College Conduct Committee. Time limits for scheduling of conferences may be adjusted at the discretion of the vice president for Student Affairs or designee.

7. Interim Suspension

In certain circumstances, the dean or designee, may impose a College suspension prior to the hearing before a College Conduct Committee.

- A. Interim suspension may be imposed only:
- i. To ensure the safety and well-being of members of the College community or preservation of College property;
 - ii. To ensure the student's own physical or emotional safety and well-being; or
 - iii. If the student poses a definite threat of disruption of or interference with the normal operations of the College.
- B. During the interim suspension, the accused student shall be denied access to the campus

(including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the dean may determine to be appropriate.

8. Complaints/Appeals

- A. A decision reached by the College Conduct Committee may be appealed by the accused student to the dean within five college working days of receipt of the notification. Such complaints/appeals shall be in writing and shall be directed to the dean.
- B. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the formal hearing and supporting documents for one or more of the following purposes:
 - i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented and in conformity with prescribed procedures. These procedures shall have provided the complaining party a reasonable opportunity to prepare and present evidence that the Code of Student Conduct was violated and the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 - ii. to determine whether the decision reached regarding the accused student was supported by the evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Code of Student Conduct occurred.
 - iii. To determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct that the student was found to have committed.
 - iv. To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.
- C. On appeal, the dean may:
 - i. Affirm the decision;
 - ii. Reverse the decision;
 - iii. Remand the matter to the College Conduct Committee for reconsideration of the original determination, sanctions imposed, and/or new evidence.
- D. Review of the sanction(s) by the dean may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the dean may, upon review of the case, reduce, but not increase, the sanction(s) imposed by the College Conduct Committee.
- E. The dean shall issue an opinion generally within a timely manner of receipt of the appeal. The time limit for issuing an opinion may be adjusted at the discretion of the dean.

- F. An accused student may appeal an opinion of the dean to the president within five college working days of receipt of the opinion. Such complaints/appeals shall be in writing. The president will determine whether the opinion of the dean is supported by the evidence and may affirm the opinion, reverse the opinion, or remand the case to the dean for reconsideration.

Article V: Interpretation and Revision

1. Any question of interpretation regarding the Code of Student Conduct shall be referred to the dean or designee for final determination.
2. The Code of Student Conduct shall be reviewed every three years under the direction of the vice president for Student Affairs or designee.

COLLEGE POLICIES COMPLAINTS/ APPEALS PROCEDURES

Students who feel that a college policy has been applied unfairly to their situation have the right to appeal. Student complaints/appeals may include but are not limited to the following:

- Financial Aid Awards or Loss of Aid
 - Traffic Citations and Fines
 - Business Office Receivables
 - Student Refunds
 - Suspensions
 - Audit to Credit/Credit to Audit Registrations
 - Returned Checks
1. A student who feels a college policy has been applied unfairly shall request a review of the policy, normally within ten working days, to the supervisor or designee responsible for administering the policy. The supervisor or designee shall meet with the student within a timely manner to offer a recommendation for resolution.
 2. In the event the matter is not resolved in the conference with the supervisor or designee, the student has five working days to file a written appeal on the College Policies Appeals form. Documentation must be attached to the completed form to support the appeal.
 3. College Policies Appeal Forms are located in Enrollment Services, the Business Office, Campus Security and at the Shelby-Hoover Campus.
 4. The College Policies Complaints/Appeals Committee is comprised of two faculty representatives and one staff representative. Committee members and the committee chairperson shall be appointed in October of each year by the president. Representatives from Enrollment Services and the Business Office are present at meetings, as needed, to serve in an advisory capacity for complaints/appeals relative to

their respective areas.

5. The College Policies Complaints/Appeals Committee shall meet following receipt of an appeal. After rendering a decision, the Committee shall notify the student of the decision as soon as possible.
6. In the event a student disagrees with the Committee's decision, the student may request a review by the dean. To initiate a review, the student must contact the committee chairperson in writing within five working days of notification of the decision.
7. The dean will issue a written opinion concurring with the original decision of the committee or reversing the committee's decision.
8. The student and the College Policies Complaints/Appeals Committee shall be notified of the dean's decision.
9. All decisions are subject to review by the president of the College.

FREEDOM OF EXPRESSION

The college respects the right to freedom of expression for individuals or groups within the college community. The college, however, does have an obligation to protect its facilities and the integrity of the academic process. Therefore, no person, company, or other organization shall distribute literature, material, posters, sell merchandise, or promote religious, commercial, or political activities at the college without first obtaining permission from the Office of Recruiting/Student Activities.

CIRCULATING PETITIONS

Any individual desiring to promote petitions of a political, religious, commercial, or other issue-oriented nature is restricted to the walkway area opposite the front entrance to the Fitzgerald Student Center, the walkway opposite the front entrance to the General Studies Building, and the walkway opposite the front entrance to the Pell City Center, and the walkway opposite the front entrance to the Chilton-Clanton Center. Petitioning is restricted to one day with a renewal option on a one-day basis through the Office of Recruiting/Student Activities.

COMMERCIAL, POLITICAL, PROMOTIONAL, AND RELIGIOUS ACTIVITIES

College facilities and off-campus sites for college activities may be used for commercial solicitation, advertising, political, promotional, and religious activities only when such activities are sponsored and requested by a college employee or an officially recognized student organization. These activities may not interfere with or operate to the detriment of the conduct of college affairs.

All political organizations or persons representing such will be provided space in the designated areas of each campus.

Political activity will be restricted to one day with a renewal option on a one-day basis through the Office of Recruiting/Student Activities.

DISTRIBUTION OF LITERATURE AND MATERIALS

Distribution of literature and materials is limited to the main entrance of the Fitzgerald Student Center, the main entrance of the General Studies Building, the main entrance of the Pell City Center, and the main entrance of the Chilton-Clanton Center. A copy of literature and materials to be distributed must be filed with the Office of Recruiting/Student at least two days prior to distribution. Literature must be placed in racks or holders that are available through the appropriate office. College personnel are not permitted to promote the distribution of literature and materials. All literature and materials must bear the name of the sponsoring organization and/or person. Anonymous literature and materials may not be distributed. Distribution of literature and materials will be limited to one day and may be renewed on a one-day basis by an official of the Office of Recruiting/Student Activities.

GUEST SPEAKERS

For the purposes of this handbook, guest speakers are persons invited to Jefferson State by a registered student organization for the purpose of addressing a college audience. The president of the College has the authority to cancel any speaking engagement when the appearance is deemed to constitute a clear and present danger to the orderly operation of the institution.

Registered student organizations must obtain the approval in writing of the club advisor and the director of College and Community Relations when sponsoring a guest speaker. The organization must obtain and submit the required approval form to the director of College and Community Relations before submitting an invitation to the speaker. Responsibility for the selection of appropriate speakers rests with the student organization. When questions of appropriateness are involved, the club advisor and the student organization should confer with the director of College and Community Relations.

No publicity concerning speakers may be released before the director of College and Community Relations has given approval and the event has been scheduled on the student activities calendar. In keeping with the traditions of the community college, guest speakers should, if at all possible, allow a reasonable opportunity to receive and answer questions from the audience.

The speaker alone is responsible for the views presented in his or her address. An invitation to a speaker does not necessarily imply the approval of the expressed views by the sponsoring group, the college, or any official of the college.

NEWS RELEASES AND OFF-CAMPUS PUBLICITY

News releases and off-campus publicity regarding upcoming

events on campus must be submitted to the director of College and Community Relations at least two weeks prior to the date of the event.

POSTER REGISTRATION

Bulletins and posters should be displayed only on ceramic tile walls or brick foyers. No bulletins or posters should be placed on doors, glass, ceil-tex, painted surfaces, etc. Under no circumstances may literature and material be distributed on windshields of vehicles. Division chairpersons may give permission for bulletins and posters to be placed on divisional bulletin boards.

All posters that relate to students must be registered with Student Affairs staff for the campus where they will be displayed: FSC 403, GSB 100, PCC 121, or CCC 113. All posters that are to be displayed must bear a stamp indicating registration. Unregistered posters, signs, announcements, etc. are subject to removal. The recommended poster size is 14" x 22"; however, larger posters will be allowed if permission is granted. Appearance of all posters, signs, etc., will be expected to exemplify the members' interest in an organization and the function that they are advertising. Lettering will be expected to be clear and uniform, permitting easy readability. The college reserves the right to refuse to register any poster, sign, etc. which is deemed inappropriate for public display.

No more than two posters for the same event may be placed on the same floor of any building; only one in each stairway on each floor. To eliminate congestion in entrance lobbies of buildings, the number of posters requiring floor space will be determined by the college. All posters should be removed by 1:00 p.m. the afternoon following the advertised event. In case of weekend functions, all posters should be removed by 1:00 p.m. the following Monday. Non-event posters also have a seven-day limit.

EXPRESSIVE ACTIVITIES BY THE CAMPUS COMMUNITY

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

I. Findings.

Jefferson State Community College finds the following:

- A. A primary function of Jefferson State Community College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and that to fulfill that function, Jefferson State Community College will strive to ensure the fullest degree possible of intellectual freedom and free expression.
- B. It is not the proper role of Jefferson State Community College to shield individuals from

speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Alabama of 1901, including without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

- C. Students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.
- D. Jefferson State Community College supports free association and will not deny a student organization any benefit or privilege available to any other organization based on the expression of the organization, including any requirement of the organization that the leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.
- E. Jefferson State Community College will strive to remain neutral, as an institution, on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the institution, and Jefferson State Community College will not require students, faculty, or staff to publicly express a given view of a public controversy.
- F. Jefferson State Community College prohibits all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

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

- A. For purposes of this policy, the "Campus Community" includes Jefferson State Community College's students, administrators, faculty, and staff as well as the invited guests of the College and the College's recognized student organizations (including organizations seeking recognition), administrators, faculty and staff.
- B. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of Jefferson State Community College's campus which enjoy general access during regular hours of College operation, subject to the limitations described below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, including any lawful verbal, written or electronic communication of ideas; lawful forms of peaceful assembly,

- protests, and speeches; distributing literature; carrying signs; and circulating petitions.
- C. Outdoor areas where expressive activities are not allowed include:
- i. Areas within 50 feet of classrooms;
 - ii. Athletic facilities;
 - iii. Outdoor classrooms;
 - iv. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
 - v. Any other locations where expressive activities disrupt the operations of the school.
- D. Except for II. H. below, this policy does not apply to expressive activities that take place in indoor areas of Jefferson State Community College property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Jefferson State Community College policies in the Jefferson State Community College Catalog and Student Handbook, Policy Number: 3.15 regarding reservation of indoor spaces, subject to the requirement that Jefferson State Community College must be open to any speaker whom Jefferson State Community College's student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
- E. Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on Jefferson State Community College property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. The Campus Community may reserve outdoor spaces in advance of an event to ensure they have their first choice of location and that the event goes smoothly. Contact Mike Hobbs, Vice President for Student Affairs, (205) 856-7991 or mhobbs@jeffersonstate.edu.
- F. Conduct that may materially and substantially disrupt the functioning of Jefferson State Community College or infringe upon the rights of others to engage in expressive activities may include:
- i. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
 - ii. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
 - iii. Violations of a state, federal or local law, regulation, or ordinance;
 - iv. Threats to passersby or the use of fighting words, which are words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
 - v. Following, badgering, or forcibly detaining individuals
 - vi. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
 - vii. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
 - viii. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;
 - ix. Obstruction of egress of emergency vehicles.
 - x. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
 - xi. Engaging in expressive activities in prohibited or restricted areas as defined in Sections II.B. and II.C. above;
 - xii. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration;
 - xiii. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.
- G. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.
- H. Jefferson State Community College will provide police and security officers and use other security measures to ensure the safety of all participants, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity.
- If the organizer of the event or the College determines that security is needed for an event, beyond what security is typically provided by the College during regular hours of operation, the organizers of the event will be charged a fee based on the number of expected attendees. The fee schedule for security will be provided by the Chief of Police upon request.
- Security** - Security for the facilities will be provided by Jefferson State at the rate of \$30 per officer per hour based on the following schedule: Events of

less than 100 participants occurring within the hours of 7:30 to 4:30 (M-F) No security fee is required Events greater than 100 participants within the above-stated hours One officer per 100 participants in excess of 100 Events outside the above-stated hours One officer per 100 participants. The above rates may be adjusted based on the intended use of the facility.

The President may waive this security fee, but may not base the decision on the basis of the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the campus community or to the public.

Jefferson State Community College may also charge a fee for the use of campus facilities, such as for the use of IT resources or cleanup costs. These fees will not be based on the content of the expressive activity. Information regarding such fees can be found in the Jefferson State Community College Catalog and Student Handbook, Policy Number 3.15.

- I. To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security are expected to provide sufficient notice to the Chief of Police at least one week, but no less than 48 hours in advance of the event. Such arrangements enable Jefferson State Community College to ensure the event takes place in a safe and constructive manner.
- J. Individuals and groups who engage in expressive activity in outdoor areas on Jefferson State Community College property are subject to Jefferson State Community College policies relating to the use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. Jefferson State Community College prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events. All activities must comply with the standards in the Jefferson State Community College Catalog and Student Handbook found under Article III: Proscribed Conduct.
- K. Jefferson State Community College shall not permit members of the Campus Community to engage in conduct that materially and substantially disrupts protected expressive activity or infringes on the right to engage in expressive activity. Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action. Disciplinary sanctions for members of the Campus Community

under the jurisdiction of Jefferson State Community College who violate this subsection shall be handled through the Code of Student Conduct for students found in the Jefferson State Community College Catalog and Student Handbook and the Human Resources Department for employees under the Employee College Handbook.

- L. Nothing in this policy shall be construed to prevent Jefferson State Community College from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:
 - i. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
 - ii. Expressions that a court has deemed unprotected defamation.
 - iii. Harassment.
 - iv. True threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
 - v. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
 - vi. An action that unlawfully disrupts the function or security of the institution.
 - vii. Any constitutional time, place, and manner restrictions for outdoor areas of campus when they are narrowly tailored to serve a significant institutional interest and when the restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria, and provide for ample alternative means of expression.
- M. Complaints or questions regarding the application of this policy should be addressed to the vice president for Student Affairs who will receive any complaints or questions for the application of this policy.

III. Commercial Activity on Campus

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

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

IV. Policy Distribution.

This policy will be included in new student, new faculty, and new staff orientation programs. Jefferson State Community College shall disseminate this policy to all members of the Campus Community and make this policy available in handbooks and on the college website.

V. Relationship to Other Policies.

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

VI. Annual Report.

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

- i. The date and description of each violation of this policy.
- ii. A description of the administrative handling and discipline relating to each violation.
- iii. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
- iv. Any additional assessments, criticism, commendations, or recommendations Jefferson State Community College sees fit to include.

USE OF COLLEGE EQUIPMENT

Individuals are prohibited from unauthorized use of the college's equipment. Equipment may include but is not limited to copiers, duplicating equipment or public address systems. Authorization for such use must be secured through the Office of Recruiting/Student Activities.

USE OF CAMPUS FACILITIES

Jefferson State Community College will allow the use of its campus and facilities when available and when use does not conflict or interfere with normal, day-to-day operations and activities. Use of the institution's facilities by others shall be compatible with the philosophy, mission, functions and objectives of the College. Individuals or groups may use facilities based on a priority system, rental fee schedule, and established rules and regulations. An agent, vendor, or solicitor may not solicit or sell to students of the college unless sponsored by a student organization. Jefferson State will allow the use of its campuses and facilities in accordance with this policy, applicable laws and ordinances, established rules and regulations, and prevailing community standards of conduct and behavior.

1. Policies and Purpose

- A. Jefferson State has as its primary purpose the provision of quality, postsecondary education to students in its service area. As such, the use of Jefferson State's campus and facilities must be compatible with this purpose.
- B. Jefferson State will allow the use of its facilities only when available and when such use does not conflict with normal, day-to-day activities of the college.
- C. College events are not subject to the fees provided herein. The college reserves the right to waive or reduce fees for entities affiliated with the college.
- D. Employees of Jefferson State will be afforded the use of a facility for personal family use without charge of the rental fee. Employees will be responsible for full payment of any set up fee, security fee, housekeeping fee or other expenses associated with the use of the facility. Any employee reserving a facility must be present at the facility at all times during its use. Family events include birthdays, weddings, showers, etc., of the employee or his/her immediate family.
- E. Jefferson State reserves the right to refuse the use of its facilities if such use is inconsistent with the purposes of the institution or would otherwise impair the college's ability to provide its services, including, but not limited to rental periods over an extended period.
- F. Alcohol may not be sold or consumed at any college facility.

2. Rules and Regulations

- A. **Application Procedure** - Applications may be made at any time on forms provided by Jefferson State. Applicants are encouraged to plan their event as far ahead of time as possible. A completed and signed reservation form is required of all users of Jefferson State facilities prior to occupying the premises.
- B. **Payment of Fees** - All fees must be paid to the Business Office of Jefferson State for the user's event to be scheduled and space reserved. Checks must be made payable to Jefferson State Community College.
- C. **Cancellation** - Full rate and fee refunds will be made, by check, up to five (5) business days prior to the event. User agrees to reimburse Jefferson State for any and all actual expenses incurred by Jefferson State on behalf of the user.
- D. **Damage to Jefferson State Community College Property** - User is responsible for any damage to any facility occurring while being used or leased. All costs associated with repairs to any facility will be invoiced to the lessee. Adequate liability insurance carried by the user may be required prior to the event naming the institution as an "additional insured."
- E. **Disaster/Emergencies** - In the event of a disaster or emergency of any kind, Jefferson State shall

have the right, as it may determine in its sole discretion, to suspend or terminate any event.

- F. **Hours of Operation** - The facilities will be open at 7:30 a.m. and close no later than 11:00 p.m. Each building must be cleared by midnight. Any event lasting more than 8 hours will be deemed as another day and additional rates will be charged to the lessee. No events will be scheduled during times when the College is considered closed. (See current College Catalog for dates.) Please plan events accordingly.
- G. **Responsibility of Personal Property** - Jefferson State assumes no responsibility for any property placed on the premises and will assume no liability for any loss, injury, theft, or damage to property.
- H. **Clean Up** - The college will charge each lessee a clean up fee per the following schedule: \$50.00 fee for the first 50 participants; \$25.00 per each 50 participants thereafter. Jefferson State reserves the right to modify this fee based on the intended use of the facility.
- I. **Security** - Security for the facilities will be provided by Jefferson State at the rate of \$30 per officer per hour based on the following schedule: Events of less than 100 participants occurring within the hours of 7:30 to 4:30 (M-F) No security fee is required Events greater than 100 participants within the above-stated hours One officer per 100 participants in excess of 100 Events outside the above-stated hours One officer per 100 participants The above rates may be adjusted based on the intended use of the facility.
- J. **Set Up and Take Down** - Ample time will be allowed for decorating the facility prior to an event, as mutually agreed to by both parties. No nails, tacks or staples are allowed in walls, ceilings, doors, or furniture. No hot glue is allowed. No cellophane or duct tape is allowed. No decorations may be attached to, or obscure the sprinkler heads, exit signs, fire alarm, or other necessary fixtures.
- K. **Use of Jefferson State Community College's Name and/or Logo** - Organizations or individuals leasing or otherwise utilizing any facility of Jefferson State may use the college name only in so far as necessary to provide directions to the location. Any other use will void any and all contracts for use of Jefferson State facilities.

COLLEGE COPYRIGHT POLICY

Ownership of Student Intellectual Property

This policy details ownership of student works, produced as a portion of their scholarly activities while a student at Jefferson State Community College, including all work submitted as portion of a class, to fulfill a course requirement or as fulfillment of any requirement within a degree program at the college.

All work created independently by a student will be considered the sole property of the student, and the student will maintain copyright over the material and control over the material, except as detailed below. All work created by a group of two or more students will be considered the sole property of the students, and the students will maintain copyright over the material and control over the material except as detailed below. Jefferson State acknowledges student copyrights over any material eligible for copyright under applicable law but retains the right to property ownership over electronic or physical copies of work submitted to the college, its faculty or staff. Additionally, Jefferson State retains the right to maintain copies of all student work as a portion of its collections, to circulate the work to further the mission of the college and to submit electronic or paper copies in compliance with applicable law or policy, including protecting the college from allegations of copyright infringement and to guard against acts of plagiarism.

The intellectual property rights of student work submitted for publication in creative journals of the college will be governed by the policy and procedure associated with those journals.

The campus policies include the Americans with Disabilities Act of 1990, Harassment, Complaint Resolution, Procedures for Reporting Complaints, and Family Educational Rights Privacy Act of 1974 (FERPA).

POLICY FOR CELL PHONES/ELECTRONIC DEVICES

Classroom and laboratory use of cellular phones, pagers, and other electronic communication devices is prohibited. If these devices are brought into classrooms or labs, they must be turned off or to silent mode. Violation of this policy may result in academic penalty, as stated in course policies, or in charges of violation of the Code of Student Conduct.