

# Misconduct

## Academic Misconduct

The College seeks to promote an atmosphere conducive to learning. Academic misconduct undermines the purpose of education. Such behavior is a violation of the trust between the students and faculty that must exist for the College to cultivate intellectual growth. Academic misconduct and dishonesty is commonly defined as:

1. Any form of dishonesty, including cheating on an exercise, test, problem, or examination submitted by a student to meet course requirements. Cheating includes the use of unauthorized aids (such as crib sheets, written materials, drawings, lab reports, discarded computer programs, the aid of another instructor on a take-home test, etc.), copying from another student's work, soliciting, giving and/or receiving unauthorized aid orally or in writing, or similar action contrary to the principles of academic honesty.
2. Plagiarism on an assigned paper, theme, report, or other material submitted to meet course requirements. Plagiarism is the act of stealing the ideas or writings (phrases or passages) from another and using them as one's own, without indicating that source.
3. Use of texts or papers prepared by commercial or noncommercial agents and submitted as student's own work.
4. Violation of any College honor code or confidentiality agreement.

It is recognized that most matters involving academic dishonesty should be handled by the faculty member meeting with the students involved who are in their classes. Consequently, sanctions are determined by the individual faculty member: "F" on an assignment or test, "F" in the course, a stipulation that an assignment or test be redone or retaken, and similar sanctions. A student dissatisfied with such a sanction may appeal through the existing appeal process. (See Grade Appeal Procedures)

## General Misconduct

The College expects the conduct of each student and organization to be in conformity with standards of common decency and decorum, with recognition of and respect for personal and property rights of others and the educational mission of the College. A student or organization may be disciplined and is in violation of the Code of Student Conduct for the following:

1. The College reserves the right to dismiss any student whose on or off-campus behavior is considered undesirable or harmful to the College.
2. Any student that is a registered sex offender must register with Campus Security before attending class.
3. Forgery, alteration, or misuse of College documents, records, or identification;
4. Issuance of worthless checks made payable to the College;
5. Failure to comply with the authority of College officials acting within the capacity and performance of their positions may be considered disorderly conduct;
6. Violation of written College rules, policies, and regulations; (i.e. use of bottled or canned drinks, food or tobacco products in classroom);
7. Obstruction or disruption of teaching, research, administration, disciplinary procedures, other college activities, or other activities on college premises being conducted by either college or non-college persons or groups; specifically, car radios, or similar equipment must be turned down so they cannot be heard outside of the vehicles (cite Tusculmbia ordinance). Additionally, students may not have cell phones or beepers ringing in class;
8. Burglary, theft, destruction, damage, or misuse of college, public, or private property (the student or organization is responsible for any damage done to property);
9. Conduct in violation of federal or state statutes or local ordinances which threatens the health and/or safety of the college community or adversely affects the educational environment of the College.
10. Conviction of any misdemeanor or felony which adversely affects the educational environment of the College;
11. Obtaining college services by false pretenses including, but not limited to, misappropriation or conversion of college funds, supplies, equipment, labor, material, space, facilities, or services;

12. Hazing, i.e., any mental or physical requirement or obligation placed upon a person by a member of any organization, or by an individual, or by a group of individuals which could cause discomfort, pain, or injury, or which violates any legal statute or college rule, regulation, or policy. Hazing has been defined as, but not limited to, the striking, laying open hand upon, treating with violence, or offering to do bodily harm to a person with intent to punish or injure the individual, or other treatment of a tyrannical, abusive, shameful, insulting or humiliating nature. Hazing is an action taken or situation created to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Hazing is also considered to include the creation of a situation which results in or might result in mental or physical discomfort, embarrassment, harassment or ridicule, including servitude often called "personal favors." Activities of this nature shall be dealt with promptly and sternly;
13. Lewd, indecent/immodest, obscene or unduly offensive behavior or expression. This offense includes, but is not limited to the wearing of attire; the usage of verbal, written or symbolic expressions; or behavior which would tend to be reasonably interpreted as insulting to one's race, gender, religion, age, national origin or disability and/or is in the opinion of the administration of the College to the extent that it would tend to disrupt the educational process and infringe upon the rights of any other student or employee of the College.
  - NOTE: The College does not promote or condone the loading and/or display of pornographic, religious, sacrilegious, satanic, nor any other text or graphic that may be deemed offensive on its computer systems. Individuals loading such software, text, or graphics are subject to the disciplinary rules of the College.
14. WEAPONS POLICY - No person shall keep, use, possess, display, or carry any rifle, shotgun, handgun, knife, bow and arrow, or other lethal or dangerous weapons or devices capable of casting a projectile by air, gas or explosion, or mechanical means on any property or in any building owned or operated by Northwest-Shoals Community College or in any vehicle on campus. Realistic facsimiles of weapons are also not allowed.
  - If an instructor approves such items to be demonstrated for class purposes only, the instructor and student must obtain permission from Campus Security.
  - Any such person seen with or using such weapons on campus will be subject to disciplinary and criminal charges.
  - **Firearms are prohibited on campus or any other facility operated by the College. Exceptions to this policy are: Law enforcement officers legally authorized to carry such weapons who are officially enrolled in classes or are acting in the performance of their duties or an instructional program in which firearms are required equipment.** If the off-duty officer is a student, he/she must notify campus police once a semester. A weapon is prohibited from any type of hearing for personal business.
15. Possession, sale, and/or consumption of alcoholic beverages or non-prescribed, controlled drugs on College property or at a student or College-sponsored function;
16. Being under the influence of alcoholic beverages or non-prescribed, controlled drugs on college property or at a student or college-sponsored function;
17. Unauthorized manufacture, sale, delivery, or possession of any drug or drug paraphernalia defined as illegal under local, state, or federal law;
18. Filing a false report or knowingly making a false statement about or interfering with the investigation of any situation described in this conduct code;
19. Physical or verbal abuse, threat of violence, intimidation, and physical or mental harassment;
20. Trespassing or unauthorized entry;
21. Entering false fire alarms, tampering with fire extinguisher, alarms, or other equipment;
22. Placement, establishment, or maintenance of any mobile, impermanent, or temporary living quarters on property of the College;
23. Any form of gambling;
24. Disruptive or disorderly conduct which interferes with the rights and opportunities of those who attend the College to utilize and enjoy educational facilities;
25. Any other activity or conduct not specifically stated herein which impairs or endangers any person, property, or the educational environment of the College.

Violations of any of the above will render a student subject to disciplinary action under the procedures which provide for adequate notice and a fair hearing, outlined in this catalog. Penalties for violations may include: reprimand; probation; loss of privileges; suspension; expulsion; and other penalties which may be set forth in college regulations published in this catalog.

## Misconduct Disciplinary Procedures

Any case involving violation of published policies and regulations in this bulletin will be brought to the immediate attention of the Dean of Students or his/her designee, who will discuss the case with the student, attempting to arrive at a mutually satisfactory conclusion of the matter. If a satisfactory conclusion is not reached at this point, the student may appeal the case to the Disciplinary Committee.

The Disciplinary Committee; or a similarly functioning group, is authorized to hear the student appeal and may choose to modify, uphold, or reverse the written recommendations of the Dean of Students or his/her designee in this case. It is important to note that in the chronology of events, the student receives a copy of these recommendations first in his or her initial meeting with the Dean of Students. His or her decision to appeal will be based on disagreement with these recommendations. After appeal to the Disciplinary Committee, the Dean of Students or his/her designee will ensure that the student is granted due process through the following steps:

1. written notice will be provided the student at least three calendar days in advance of the hearing date. Further, the student will be given a list of witnesses and a copy of their statements or complaints, along with other evidence and affidavits which the College intends to submit against the student;
2. the student is permitted to have counsel present at the hearing to advise him or her. Attorneys are present in advising capacity only.
3. the student is permitted to hearing the evidence presented against him or her and will be permitted the opportunity to present his or her own case, his or her own version of the incident, and any exhibits, affidavits, or witnesses on his or her behalf;
4. a full and complete record of the hearing will be made. Unless otherwise specified, a videotaped record will be used; and
5. the Disciplinary Committee will provide a written decision to the student and the Dean of Students.
6. if the student disagrees with the decision of the College Disciplinary Committee, he or she may appeal that decision to the College President. Each appeal must be submitted in writing. A copy of all written documents is Archived on file in the Dean of Students' office.

Final local responsibility for discipline is vested in the President of the College. Any disciplinary probation or suspension will be recorded on the student's permanent record.

The College seeks to guarantee that the fundamental principles of fair play are observed and to assure that no disciplinary action is taken on grounds which are not support by substantial evidence.

Conscious effort is made to assure that all of the College's regulations are within the scope of the lawful missions of tax-supported higher education. It is recognized that it is not a lawful mission of the College to prohibit the exercise of a right guaranteed by the Constitution or a law of the United States. However, the President will take direct and appropriate action in any case involving the integrity of the College and the well-being of the students.

## Sanctions

A student or organization deemed to be in violation of the Code of Student Conduct by the Dean of Students or his/her designee is subject to one or more of the following sanctions:

- **Reprimand:** A written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.
- **Restitution:** Compensation for damages to property limited to the actual cost of repair or replacement.
- **Probation:** This sanction is for a designated period of time which may include exclusion from privileges such as extracurricular activities and/or on-campus driving privileges. Additionally, if the student or organization is determined by any of the disciplinary procedures herein set out to be in subsequent violation of the Code of Student Conduct during the probationary period, the student or organization may be either suspended or expelled.
- **Suspension:** Separation from the College for a definite period of time. To qualify for readmission after suspension from the College, approval must be secured from the College Disciplinary Committee.

- **Expulsion:** An indefinite termination of student or organization status from the College. Under certain conditions, expulsion could mean permanent severance from the College. To qualify for readmission after expulsion, approval must be secured from the College Disciplinary Committee.

## Disciplinary Committee Composition and Responsibilities

1. The College Disciplinary Committee shall consist of three faculty members and staff as appropriate.
2. The College Disciplinary Committee shall be chaired by a member of the Student Development staff appointed by the President of the College.
3. A quorum will consist of three committee members. Business may not be conducted without a quorum.
4. All College Disciplinary Committee hearings shall be confidential and closed to all persons except the following:
  - a. The student or organization;
  - b. Counsels;
  - c. Witnesses who shall:
    - i. Give testimony singularly and in the absence of other witnesses;
    - ii. Leave the committee meeting room immediately upon the completion of the testimony.
  - All hearings will be videotaped. The video record will become the property of the College and access to them will be determined by the Vice President. All hearing case files will be located and archived in the Dean of Students' office.
5. The decision reached by the Disciplinary Committee will be by a majority vote. The Chairperson will vote only in case of a tie vote.
6. Within five (5) working days after the decision has been reached by the committee, The Chairperson of the College
7. Disciplinary Committee shall send a certified letter to the student or organization's last known address to provide written notification of the committee's decision. Copies of decisions and recommendations from the College Disciplinary Committee shall be forwarded to the appropriate administrator.

## Process of Right of Appeal

1. The President of the College shall be the final authority in the appeal process.
2. The student may file a written request asking that the President of the College review the decision and recommendations of the Dean of Students, designee, and/or the College Disciplinary Committee. The written request must be filed within five days (excluding Saturday, Sunday, and holidays) of the hearing.