

Procedure For Bringing A Charge Of Nonacademic Misconduct Against A Student

Charges of a disciplinary nature may be filed against a student by another student or member of the administration, faculty, or staff. Charges of any case involving violation of published policies and regulations must be submitted in the form of a verbal or a written complaint to the Director of Student Services. Upon notification of formal charges being proffered against a student, the Director of Student Services will inform the Dean of Students of the nature of the charge(s) and the student(s) involved. If the Director of Student Services deems that the presence of the student(s) poses a continuing danger to persons, property, or the ongoing threat of disruption of the institution or its operations, the Dean of Students will be notified, and the student(s) may be temporarily suspended from the College. In such cases, a Student Disciplinary Hearing will be held within 72 hours, excluding Saturday, Sunday, and official College holidays, of the student's suspension.

In all cases that involve a charge of non-academic misconduct, the Director of Student Services must make a preliminary investigation by consulting the primary parties involved to determine whether the charges may be disposed of informally without the initiation of disciplinary proceedings. The following charges (1-14) may be disposed of by an informal process with resolution between the student or group of students and the Director of Student Services:

1. Dishonesty or knowingly furnishing false information to the members of the College faculty or to other officers or employees of the College in pursuit of their official duties;
2. Lewd, obscene, licentious, indecent exposure, or inappropriate dress;
3. Lewd, obscene, licentious, or indecent conduct or the verbal or written threat of such action against another person;
4. Unauthorized class attendance of guests and family members of a student without permission of Director of Student Services;
5. Smoking, including chewing tobacco, dipping, vapor-producing electronic devices (excluding meter-dose inhalers and nebulizers prescribed by a physician) are prohibited on College-owned or College-controlled property, with the exclusion of designated smoking areas.
6. Filing a false report or knowingly making a false statement interfering with the investigation of any situation described in this Conduct Code and/or the annual campus safety and security report;
7. Trespassing or unauthorized entry;
8. Publishing, aiding in publishing, circulating or aiding in circulating, anonymous publications or petitions;
9. Placement, establishment, or maintenance of any mobile, impermanent, or temporary living quarters on property of the College which shall include, but not be limited to, tents, mobile homes, camping devices, trailers, vans, and motor homes, and/or use of sanitary facilities on a regular, daily basis;
10. College instructors and staff may limit student use of electronic devices such as cell phones, pagers, cameras, laptop computers, iPads, and iPods where such devices might interfere with the normal activity of the College. Students may use electronic devices to record class lectures.
11. Display of pornographic or sexually explicit materials, including but not limited to: clothing, videos, magazines, books, posters, photographs, or computer screens.
12. Any form of gambling;
13. Failure to comply promptly with directions of College officials or law enforcement officers acting in the performance of their duties.

14. Unauthorized possession of College, state, or federal property or supplies.

Any member of the College community may file charges against a resident/visitor of campus residence halls for misconduct related to the following minor residence hall infractions in or on the grounds of residence halls. The following process will be followed to reach disposition of charges filed against a resident/visitor:

a. Charges must be filed with the Director of Student Services;

b. The Director will thoroughly investigate the charges filed;

c. The Director will dispose of any of the following infractions (15-27) through an informal resolution between the Director and the student/visitor.

15. Violation of published policy governing residence hall visitation and occupancy.

16. Splicing into or otherwise tampering with existing electrical wiring or computer cables.

17. Excessive absences from residence hall meetings.

18. Possession of candles, incense, or other flame-emitting articles.

19. Possession of state, federal, local, or miscellaneous signs illegally obtained.

20. Possession of cats, dogs, hamsters, guinea pigs, mice, spiders, lizards, snakes, or other pets, on either a permanent or visitation basis. Animals that have been preserved through taxidermy are also strictly prohibited.

21. Possession of unapproved appliances.

22. Possession of paint-ball guns and equipment, dart boards and darts, or any type of potentially hazardous recreational game or equipment.

23. Solicitation and sales without permission from the Residence Hall Manager/Housing Personnel.

24. Possession of weight-lifting apparatus and waterbeds.

25. Playing musical instruments.

26. Leaving a student housing room door unlocked or leaving the room with excessive lights, radios, or other electrical appliances left on.

NOTE: A sanction will be issued to all residents of that room.

27. Possession or display of empty alcoholic beverage containers in residence hall.

After initial investigation of charges (1-27), the Director of Student Services will decide the appropriate disciplinary action required. If the accused is dissatisfied with the decision of the Director of Student Services he or she may submit a written request within 24 hours for a hearing before the Student Disciplinary Committee. If the student and Director of Student Services are satisfied with the conclusion of the case at this point, the Director will notify the student and the party bringing the charge(s).

The following charges (28-49) must be referred to the Student Disciplinary Committee in accordance to the following process:

a. Charges must be filed with the Director of Student Services;

b. The Director of Student Services will thoroughly investigate the charges filed;

c. The Director of Student Services will forward the findings of the investigation to the Dean of Students.

28. Excessive violations of the published student conduct code, residence hall visitation, and/or occupancy policies.
29. Forgery, alteration, or misuse of College documents, records, or identification;
30. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other activities on College premises by either Beville State Community College or non-College persons or groups;
31. Destruction, damage, or misuse of College, public, or private property;
32. Conduct in violation of federal, 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;
33. Conviction of any misdemeanor or felony, which adversely affects the educational environment of the College;
34. Obtaining College services by false pretenses including, but not limited to, misappropriation or conversion of College funds, supplies, equipment, telephone system, labor, material, space, facilities, or services;
35. Hazing in any form is strictly prohibited. Hazing is any mental or physical requirement or obligation placed on 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 is 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 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;
36. Harassment, intimidation, bribery, physical assault, or any other means, implied or explicit, to influence any member of a judicial body named in Student Conduct Code, including witnesses, faculty members, staff members, and students, before, during or after a hearing. Organizations shall be responsible for the actions of their individual members, alumni, advisors, etc.;
37. Possession, while on College-owned or controlled property, of firearms, ammunition, explosives, fireworks, pellet guns, bows and arrows, knives, or other dangerous devices. (Weapon possession will be enforced according to Alabama state law.)
38. Possession, sale, and/or consumption of alcoholic beverages or non-prescribed, controlled drugs on College property or at a College-sponsored function;
39. Being under the influence of alcoholic beverages or non-prescribed, controlled drugs on College property or at a College-sponsored function;
40. Unauthorized manufacture, sale, delivery, or possession of any drug or drug paraphernalia defined as illegal under local, state, or federal law;
41. Theft, accessory to theft, and/or possession of stolen property;
42. Physical or verbal abuse, threat of violence, intimidation, physical, mental, or sexual harassment;
43. Entering false fire alarms, tampering with fire extinguishers, alarms, or other equipment;
44. Disruptive or disorderly conduct which interferes with the rights and opportunities of those who attend the College to utilize and benefit from educational facilities;
45. The use of Beville State Community College computer terminals and/or telecommunications equipment on College-owned or College-controlled property for personal use or for purposes of obtaining pornographic or sexually explicit information;

46. Threatening, harassing, lewd, obscene, or violent communications through e-mail, fax, or other methods of data/information transmission;

47. Terrorist threat to Beville State Community College or from College-owned or controlled property;

48. Software tampering, espionage, sabotage, and criminal mischief.

49. Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. (The College's Assault and Violence Policy can be found in the Non-discrimination section of the Catalog. A student charged with this conduct violation will be immediately referred to the Grievance Procedures and Resolution of Harassment, Discrimination and Sexual Violence Complaints policy. Sanctions for this violation may range from probation to expulsion, depending on the severity of the incident.)

50. Any other activity or conduct not specifically stated herein which impairs or endangers any person, property, or the educational environment of the College.

NOTE: *If a student violates policy related to alcohol or substance abuse and is under 21, the Director of Student Services will notify the student's parents.*