

Section IV
COMPLIANCE WITH FEDERAL LAWS

ASCC POLICIES AND PROCEDURES MANUAL

A. Americans With Disabilities Act (ADA)

Alabama Southern Community College seeks to comply fully with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. The College strives to create a welcoming environment for all and will work in good faith to meet the needs of persons with special needs. Disclosure of disability is voluntary. Any employee with an ADA request should contact Human Resources and complete the ADA Employee Fact Sheet and Accommodations Request Form. An ADA Accommodations Request Form must be completed identifying accommodations requested and other pertinent information. This form may be obtained from the ADA Coordinator.

Documentation of disability is required. Information release forms are available from the Human Resources Office to assist the employee in obtaining official documentation of disability from physicians or other agencies.

The College is not required to lower performance standards in order to accommodate an employee's disability. The form will be housed in the employee's ADA file in the Human Resource Office. The ADA file is a separate file and is not reflected in the Personnel file. The ADA prohibits discrimination against qualified persons regardless of their disability. The prohibition applies to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training, and other terms, conditions, and privileges of employment. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless undue hardship would result.

The statute explicitly states that individuals who currently engage in the illegal use of drugs or individuals currently using alcohol or drugs are not covered by the Bill's protection. The employment title will be enforced by the Equal Employment Opportunity Commission, the Attorney General, or through private lawsuits.

B. Employee Responsibility Regarding Students With Disabilities

Student disclosure of a disability is voluntary. However, if a student with a disability has a need related to his/her condition and would like to request reasonable accommodations; he/she must contact the ADA Coordinator to schedule an appointment to complete a Request for Services Application/Intake form to inform the official of his/her needs. The student must provide reasonable notice of the need for accommodations to the ADA Coordinator on the campus where he/she is enrolled. The ADA Coordinator for all campuses is Rhonda Dees, whose office is located on in the Science Building of the Monroeville Campus (Phone: 251-575-8281).

Before most accommodations can be made, the student must present documentation of his/her disability. The documentation must be dated within the last three years. If the disability is of a physical nature, the documentation must come from the appropriate medical doctor. If the student has a learning disability, the evaluation should include test results and a statement of the disability from an appropriate mental health professional, testing agency or medical physician. It is the student's responsibility to provide documentation of his/her disability. The student is responsible for any cost related to obtaining the appropriate documentation to support his/her need for reasonable accommodations.

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In providing reasonable accommodations, an educational institution is not required to waive or modify program requirements or lower academic standards that are reasonable and nondiscriminatory. Once the student presents the proper documentation to the ADA Coordinator and is certified to receive reasonable accommodations, the ADA Coordinator will complete a Disability Certification form, which lists the reasonable accommodations to be provided. After registering for classes each semester, the student will schedule a meeting with the ADA Coordinator. The Disability Certification form will be reviewed, and the ADA Coordinator will complete a Reasonable Accommodation form for each class to give to the student. It will be the responsibility of the student to present these forms to his/her instructors, preferably within the first week of class, so that accommodations may be provided as early as possible. Reasonable accommodations are not retroactive, thus it is important that students meet with the ADA Coordinator and provide documentation of any disabilities as soon as possible. In order to receive accommodations at the College, students should follow the procedures listed below.

1. The student must schedule an appointment to meet with the ADA Coordinator on the campus where he/she is registered to discuss his/her need for reasonable accommodations.
2. During the appointment, the student will complete the Request for Services Application/Intake form.
3. During (or after) the appointment, the student must provide proper documentation of his/her disability to the ADA Coordinator. Please see the documentation criteria as listed in the section titled *Criteria for Disability Documentation*.
4. After being certified to receive reasonable accommodations at the College, the ADA Coordinator will complete a Disability Certification form which lists the reasonable accommodations to be provided.
5. At the beginning of each term of enrollment, the student must schedule a meeting with the ADA Coordinator. The Coordinator will review the Disability Certification form and complete Reasonable Accommodation form(s) for the student to present to his/her instructors.
6. The student should present the Reasonable Accommodation form(s) to the instructor(s) during the first week of class. After the instructor signs the form, the student must return the form to the ADA Coordinator who will copy the form and provide a copy to the instructor.
7. Steps 5 and 6 will be repeated for each new term of enrollment with Alabama Southern Community College.

Prior to assigning a final grade, the instructor is responsible for meeting with the student to complete an Instructor's End of Term Accommodation Report. This mandatory report confirms that reasonable accommodations were made for the student in the class. Both the instructor and the student must sign the agreed-upon report. This report should be returned to the ADA Coordinator for the student's ADA file. Any instructor or other employee having questions about handling of disabilities should contact the ADA Coordinator.

C. Jeanne Clery Disclosure of Campus Security Policy

The following report is to comply with the Federal Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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Any criminal act, act or threat of violence, injury; destruction of property; traffic accident, or other situation which occurs on an Alabama Southern Community College Campuses or Center should be reported to the College officials. An act or emergency that possess a danger to the health, safety, or property of any person or a threat to the public order should also be reported immediately.

Accident and incident reports should be made to the following campus officials:

Monroeville Campus	Thomasville Campus	Gilbertown Campus	LifeTech Institute Campus	Jackson Center
Campus Security Office Gym Building 251-575-8237	Campus Security Office 334-637-3179	Office of Director 251-843-5265	Main Office 334-636-0864	Main Office 251-246-0010
AFTER 5:00 P.M. Monroeville Police 575-3246 911	AFTER 5:00 P.M. Thomasville Police 911			
Business Office 251-575-8224	Business Office 334-636-9642			

Any person who witnesses any situation which fits the above described categories shall make herself/himself available to make written statements and otherwise assist college officials and law enforcement officers in the investigation of the situation. It shall be an offense subject to appropriate disciplinary action for an Alabama Southern Community College employee or student to file a false report, knowingly make a false statement about, or interfere with the investigation of any situation of the nature described above.

Alabama Southern Community College Crime Statistics 2012-2014

Criminal Offense	2012	2013	2014
Murder/Non-Negligent	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	0	0	0
Sex Offenses - Non-	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	2	3
Motor Vehicle Theft	0	0	0
Arson	0	0	0

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Criminal Offense	2012	2013	2014
Hate Crimes	0	0	0
Arrests	2012	2013	2014
Illegal Weapons Possession	0	0	0

Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
Disciplinary Referrals	2012	2013	2014
Illegal Weapons Possession	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0

For a printed copy of the Crime Statistics Report and/or a copy of the Alabama Southern Community College Annual Security Report, please contact the Student Development Office at (251)575-8222.

Information on registered sex offenders in Alabama can be obtained at <http://dps.alabama.gov/Community>.

The National/State Sex Offender Registry can be accessed at <http://www.fbi.gov/hq/cid/cac/registry.htm>.

D. The Campus Sexual Violence Elimination Act (Campus Sav Act)

In March of 2013, Congress passed the campus sexual violence elimination act as part of the reauthorization of the violence against women act (Campus Sav Act). The new law is aimed at increasing transparency by expanding the types of sexual violence incidents that must be disclosed in the Annual Security Report (ASR) submitted by colleges and universities. The new law represents a regulatory emphasis on specific categories of sexual abuse suffered by members of the college community. There are four central components.

- Identification of Campus Security Authority Personnel
- Creation of a Campus Sexual Assault Victim Bill of Rights
- Expansion of Sexual Crime Reporting on Campus
- Development of Standard Operating Procedures for Handling Incidents of Sexual Violence

1. Policy Statement

All individuals have the right to a safe campus environment free from threats of violence. Harming another person by committing any form of domestic violence, dating violence, sexual assault, or stalking, as defined under Alabama State Law, is strictly prohibited.

2. New Protections under the Law

- Offenses against national Origin

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- Offenses against gender identity
- These categories cover the commission of a hate crime, based on whether the individual was victimized because of their status or because of their perceived status.
- Offenses of **domestic violence**: offenses against a current or former spouse or cohabitant
- Offenses of **dating violence**: violence against a person in a romantic or intimate relationship
- Offenses against **stalking**: conduct that would cause a reasonable person to fear for his/her or another's safety or behavior that causes substantial emotional distress

3. Identification of Campus Security Authority Personnel

Who is Campus Safety Authority (CSA)?

A campus safety authority is defined as any administrator or staff person who has responsibility for a student or campus activity outside of the classroom including campus security officers, athletic coaches, Division of Student Development staff, professional staff, and staff advisors in student clubs and organizations.

Who is not a campus safety authority CSA?

A faculty member or instructor who does not have responsibility for a student or campus activity beyond the classroom is not a CSA. The following positions are also not considered campus safety authority: clerical staff, bookstore staff, facilities or maintenance staff.

E. Campus Sexual Assault Victim Bill of Rights

- The victim has the right to be notified of their options as it applies to notification of law enforcement.
- The victim has the same rights as the accused to have others present at an administrative/disciplinary hearing.
- The victim shall be informed of the outcome and sanctions of any administrative/disciplinary proceeding.
- The victim shall be notified of available counseling services.
- The victim shall have the right to reasonable changes to academic and campus work arrangements.
- The victim shall have the opportunity and assistance to speak or choose not to speak to anyone regarding the outcome.
- The victim shall have the right to confidentiality.

F. Offences That Must Be Reported

- **Domestic Violence**: “a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.”

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- **Dating Violence:** “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.”
- **Stalking:** “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.”

Important Definitions

Consent (Section 13A-6-70)

It is a violation of State law to commit a sexual act without the consent of the individual. The law states that the lack of consent results from: 1) Forcible compulsion, and the 2) Incapacity to consent. A person is deemed incapable of consent if they are: forced, threatened, unconscious, drugged, less than 16, mentally or developmentally disabled, mentally incapacitated, physically helpless, chronically mentally ill, or believe they are undergoing a medical procedure.

Remember you should:

- *Know your own limits and communicate what you don't want.*
- *Say “no” out loud if you do not feel comfortable.*
- *Do not be afraid to tell someone to “stop.”*
- *Remember “NO” means no!*
- *If they don't stop when you tell them to, they have committed a sexual assault.*

Sexual Assault (Section 13A-6-65)

Sexual assault can be broadly defined as sexual contact that occurs without the explicit consent of the recipient. For example, touching, fondling, kissing, and other unwanted sexual contact can be classified as sexual battery. These include:

- *Sexual intercourse against a person's will is rape.*
- *Sexual intercourse with a minor more than three years younger is unlawful sexual intercourse.*
- *Perpetrators of sexual assault can be strangers, friends, and acquaintances, family members, or male or female.*
- *Perpetrators may commit sexual assault by means of overt physical violence, threats, coercion, manipulation, pressure, or tricks. Often, sexual assault involves psychological coercion and taking advantage of an individual who is incapacitated or under duress, and therefore is incapable of making a decision on his or her own.*

Rape (Section 13A-6-61)

A person commits the crime of rape if he or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or if he or she, being 16 years old or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old. (Rape in the first degree is a Class A Felony.)

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Domestic Violence Section 13A-6-130

A person commits domestic violence when they commit an offense against a current or former spouse or cohabitant, parent, child, any person who has or had a dating or engagement relationship with the defendant. Domestic violence in the first degree is a Class A felony.

Dating Violence

- **Forcible sex offenses:** Any sexual act directed against another person, forcibly
- **Non-forcible sex offenses:** Any sexual act that includes incest and statutory rape

Stalking (Section 13A-6-90)

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to feel fear. A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied is guilty of the crime of stalking.

Bystander

An active bystander is someone who intervenes to interrupt behaviors in social situations that could lead to sexual violence.

Bystander Intervention

An active bystander is someone who intervenes to interrupt behaviors in social situations that could lead to sexual violence. Effective intervention is the community responsibility of every person. Individuals are encouraged to speak out against attitudes that promote sexual violence and become more supportive of survivors. There are five stages to effective bystander intervention:

- 1) notice the problem,
- 2) understand that the problem demands action,
- 3) feel responsibility to act,
- 4) choose what form of assistance to provide, and
- 5) respond.

Tips for Safe Bystander Intervention:

1. Remember intervention doesn't have to be confrontational, say something or do something to call attention to the situation.
2. Remain calm, and speak up and challenge inappropriate behavior.
3. Tell someone if you believe he/she is acting inappropriately. Challenge inappropriate jokes or conversations.
4. Attempt to calmly reason with the perpetrator or distract him/her.
5. Ask others in the area for assistance with group intervention.
6. Assist the victim by walking him/her to his/her car or to a safe area until assistance arrives.
7. Call CAMPUS SECURITY or 911.

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Steps for Reporting Offenses

A victim of a sexual or domestic offense crime including: Sexual Assault, Domestic Violence, Dating Violence, or Stalking should immediately report it to Campus Security by calling 251-575-8237. Campus Security will contact local police officials who will conduct a full investigation of the crime and a report will be filed by the investigating officer. All information will be kept confidential by Alabama State Law. The victim will be informed of the steps of the investigation as well as the steps of the judicial system. The Dean of Students, Dr. Melissa Haab, Title IX Compliance Officer, will be notified immediately of any above listed alleged crimes. In the event that campus security is not readily available, victims should immediately seek out the assistance of the nearest identified Campus Safety Authority (CSA) who will assist the victim in reporting the incident and receiving assistance and support.

- Assistance will be provided in reporting a crime to off-campus law enforcement by campus authorities.
- In the event of a sexual crime, assistance is available in the Office of Student Development in Monroeville and the Office of Student Development in Thomasville for making referrals to crises services and counseling services.
- A victim may wish to obtain orders of protection or no contact orders. Campus Security will provide assistance and direction to any victim who requests direction on how to file these orders. Alabama Southern Community College will enforce any and all orders of protection and no contact issued by local jurisdictions.

Standard of Proof Required for Administrative/Disciplinary Hearings

The standard proof in disciplinary hearings goes to the preponderance of the evidence. This type of evidence means that the information presented in the case is more likely true than not true; there must be greater than 50% probability that the evidence is true. The probability can be as close as 51% vs 49% and meet this standard as opposed to guilty beyond reasonable doubt, which is the standard for criminal cases.

Prevention Tips

- DATE PEOPLE YOU KNOW AND TRUST.
- BE CAUTIOUS WHEN MEETING PEOPLE THROUGH SOCIAL MEDIA.
- TELL SOMEONE WHEN YOU ARE GOING OUT ON A DATE.
- SET LIMITS AND BOUNDARIES.
- AVOID DRUGS AND ALCOHOL.

Warning Signs of Dating/Relationship Violence

- YOU FEEL ISOLATED FROM FRIENDS AND FAMILY.
- YOUR SIGNIFICANT OTHER HAS ANGRY OUTBURSTS.
- YOUR SIGNIFICANT OTHER THREATENS TO HARM YOU OR IS VERY JEALOUS OF YOU.
- YOUR SIGNIFICANT OTHER IS CRUEL TO ANIMALS OR CHILDREN.
- YOUR SIGNIFICANT OTHER BELITTLES YOU, MAKES FUN OF YOU, OR TRIES TO CONTROL YOU.

Campus Resources

- Division of Student Development educational workshops and awareness programming through the Student Success Center

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- Ongoing prevention and awareness programs for students and employees
- Counseling/Support Referrals
- Student Handbook
- Office of Student Development (The Office is a designated “ Safe Place” to ask questions, seek assistance, and make confidential referrals.)
- Information to empower bystander intervention, including safe and positive options.
- Alabama Southern Community College Office of Safety and Security

Community Resources

- Alabama Coalition against Domestic Violence: (334) 832-4842
- Alabama Statewide Domestic Violence Hotline: (800) 650-6522
- National Domestic Violence Hotline: (800) 799-7233
- National Resource Center on Domestic Violence: (800) 537-2238
- Bradford Health Services: (800) 879-7272
- Southwest Alabama Behavioral Health Care Systems (251) 575-3815

Compliance Officer

**Dr. Melissa Haab, Dean of Students Title VII
and Title IX Coordinator Alabama Southern
Community College Monroeville, AL 36460
(Phone) 251-575-8227
mhaab@ascc.edu**

G. Drug-Free Workplace Policy

In compliance with the drug-free workplace requirements of Public Law 100-690 for recipients of Federal contracts and grants, the following policy is in effect for Alabama Southern Community College:

1. The unlawful manufacture, distribution, dispensation, or use of a controlled substance is prohibited by the College on any property owned, leased, or controlled by the College or during any activity conducted, sponsored, or authorized by or on behalf of the College. A “controlled substance” shall include any substance defined as a controlled substance in Section 102 of the Federal Controlled Substance Act (21 U.S. Code 802) or in the Alabama Uniform Controlled Substance Act (Code of Alabama, Section 20-2-1, et seq.).
2. Alabama Southern Community College has and shall maintain a drug-free awareness program to inform employees about:
 - a. The danger of drug abuse in the workplace;
 - b. Alabama Southern Community College’s policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance program; and
 - d. The penalties that may be imposed upon employees for drug abuse violations.

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3. All employees of Alabama Southern Community College shall comply with paragraph 1 above.
4. Any employee who is convicted by any Federal or state court of an offense which constitutes a violation of paragraph 1 above shall notify the President in writing of said conviction within five (5) days after the conviction occurs. Conviction, as defined in P.L. 100-690, shall mean “a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both.”
5. In the event of a report of a conviction pursuant to paragraph 4 above where the employee is working in a project or a program funded through a Federal contract or grant, Alabama Southern Community College shall notify in writing within ten (10) days any Federal agency to whom such notification by Alabama Southern Community College is required under P.L. 100-690.
6. In the event an employee violates paragraph 1 above or receives a conviction as described in Paragraph 4 above, the respective employee shall be subject to appropriate disciplinary action which may include, but is not limited to, termination of employment. Alabama Southern Community College shall also reserve the right to require said employee, as condition of continued employment, to satisfactorily complete a drug treatment or rehabilitation program of a reasonable duration and nature.
7. Alabama Southern Community College shall make a good faith effort to ensure that paragraphs 1-6 above are followed.
8. Each employee of Alabama Southern Community College shall receive a copy of this policy.

In order to remain in compliance with agreements/contracts with clinical facilities, personnel within the Division of Nursing are subject to additional background checks and/or drug screenings prior to assigned clinicals as well as randomly. Clinical skills assessments are done by an outside agency.

H. Equal Opportunity in Education and Employment

Alabama Southern Community College has filed with the Federal Government an Assurance of Compliance with all requirements imposed by or pursuant to Title VI of the Civil Rights Act of 1964 and the Regulation issued thereunder, to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity sponsored by this institution. It is also the policy of Alabama Southern Community College to be in accordance with Title IX of the Education Amendments of 1972 which provides that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

Alabama Southern Community College is committed to equal opportunity in employment and education and does not discriminate on the basis of sex, race, age, color, religion, or national origin, or against qualified persons with disabilities. Alabama Southern Community College complies with non-discrimination regulations under Title VI and Title VII, Civil Rights Act of 1964; Title IX, Education Amendments of 1972; and Section 504, Rehabilitation Act of 1973.

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As a member of the Alabama Community College System under the guidance of the Alabama Board of Education, Alabama Southern Community College is an equal opportunity employer. It is College policy to provide equal opportunity for employment and advancement to all applicants and employees without regard to race, color, national origin, religion, age, disability, marital status, or gender, as provided in federal and state law and State Board policy. Inquiries concerning any of these policies may be directed to Human Resources, Alabama Southern Community College, 2800 South Alabama Avenue, Monroeville, AL 36460.

I. Family Education Rights & Privacy Act (FERPA)

FERPA affords students certain rights with respect to their education records. Maintaining confidentiality of student records is the responsibility of faculty, staff, and the student.

When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents must obtain a signed consent from their child to receive non-directory information. The Admission's Office keeps that consent on file and the authorization is flagged on the Student Records System. The parent(s), guardian, or whomever is receiving the permission along with the student must come to the Registrar's Office to sign the consent form. The Admission's Office keeps a copy of the consent form in the student's admission file. Should a parent contact a college employee regarding his/her child, the College employee must check for this authorization prior to releasing that information. If the authorization does not exist, the College employee must not discuss the student with the parent and advise the parent that his/her child must give the College written authorization to discuss his/her child's concern.

Any information provided by the student to the College for use in the educational process is considered a student educational record:

- personal information
- enrollment records
- grades
- schedules

Student educational records may be:

- a document in the Admissions or Registrar's Office
- a computer printout in an office
- a class list on instructor's desktop
- a computer display screen
- notes taken during an advisement session.

Posting of grades either by the student's name or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses.

Instructors and others who post grades should use a system that ensures that FERPA requirements are met. This can be accomplished either by obtaining the student's written permission or by using code

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words or randomly assigned numbers that only the instructor and individual student should know.

Notification of grades via a postcard violates a student's privacy rights.

Notification of grades via e-mail is not recommended. There is minimal guarantee of confidentiality on e-mail outside the interoffice e-mail system. The College would be held responsible if an unauthorized third party gained access, in any manner, to a student's educational record through any electronic transmission method.

ASCC provides a secure web application (ASCC Online) for students to view their academic record. In addition to the user ID, a student must also supply a PIN, which is a second level of security, to view these records. Students can change their PIN upon initial login or at any time.

Letters of recommendation should not contain information from the student's educational record unless a signed release from the student has been obtained. Statements made by a person making a recommendation that are made from the person's personal observation or knowledge does not require a written release from the student. If personally identifiable information obtained from a student's education record is included in the letter of recommendation (grades, GPA, etc), the writer is required to obtain a signed release from the student which: specifies the records that may be disclosed; states the purpose of the disclosure; and identifies the party or class of parties to whom the disclosure can be made.

If this letter is kept on file by the person writing the recommendation, it would be part of the student's education record, and the student has the right to read it unless he/she has waived that right to access.

College employees should follow college policy regarding the release of information to the media. The official spokesperson for the College is the Director of Public Information. Nothing in FERPA allows the College to discuss a student's educational record publicly – even if a lawsuit has made the information a matter of public record. A college official may not assume that a student's public discussion of a matter constitutes implied consent for the College official to disclose anything other than directory information in reply.

In accordance with FERPA, a college official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. This includes such purposes as:

- performing appropriate tasks that are specified in his /her position description or by a contract agreement;
- performing a task related to a student's education;
- performing a task related to the discipline of a student;
- providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid.

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1. Parental Access to an Eligible Student's Education Records

FERPA applies to education records at all levels of education: primary, secondary and postsecondary. Up to the time the student attains the age of 18 or attends an institution of higher education, regardless of age, FERPA rights reside with the parents. Once the student attains the age of 18 or attends an institution of higher education, regardless of age FERPA rights transfer to the student. The term "eligible student" is used in the law to denote this transfer of rights to the student.

At the postsecondary level, FERPA rights have transferred to the student and parents have no rights under FERPA to inspect their student's education records. The right to inspect resides solely with the student.

Records may be released to parents without a signed consent from the student or under certain exceptions (1) health or safety emergency, (2) where the student has been found in violation of the institution's code of conduct relating to the use of alcohol or a controlled substance if the student is under the age of 21, or (3) by submission of evidence that the parents declare the student as dependent on their most recent Federal Income Tax form. The release to parents of education records under any of these exceptions is a permissible release. Thus, under FERPA, an institution is not required to disclose information from the student's education records to any parent of a dependent student. It may, however, exercise its discretion to do so. It is strongly recommended that a statement of the institution's policy regarding parental access and disclosure be clearly stated in any FERPA policy.

Legitimate educational interest does not convey inherent rights to any and all student information. The law differentiates between educational interest and personal or private interest; determinations are made on a case-by-case basis. Educational interest does not constitute authority to disclose information to a third party without the student's written permission.

To avoid violations of FERPA rules, **DO NOT:**

1. at any time use the entire Social Security number of a student in a public posting of grades;
2. ever link the name of a student with the student's social security number in any public manner;
3. leave graded tests in a stack for students to pick-up by sorting through the papers of all students;
4. circulate a printed class list with student name and social security number or grades as an attendance roster;
5. discuss the progress of any student with anyone other than the student (including parents) without the consent of the student;
6. provide anyone with lists of students enrolled in your classes for any commercial purpose;

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7. provide anyone with student schedules or assist anyone other than a college employee in finding a student on campus.

2. Records Not Open to Student Inspection

Student educational records are defined as those records, files, documents, and other materials that contain information directly related to students and are maintained by the College. Specifically excluded from the definition of “educational records” and not open to student inspection are the following:

- records of instructional, supervisory, and administrative personnel which are the sole possession of the maker and accessible only to the maker or a substitute
- records of campus security;
- records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in that capacity and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment or who could not be involved officially within the College, but such records are available to a physician or appropriate professional of the students’ choice.

Although all students have the right to review their educational records, the law (§99.12) further outlines the following exceptions of items not open to inspection by a student:

- financial information submitted by parents;
- confidential letters and statement of recommendations, placed in the records prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which specifically collected;
- confidential letters and statement of recommendation, placed in the records after January 1, 1975, to which the students have waived their right to inspect and review and that are related to the students’ admissions, application for employment or job placement, or receipt of honors;
- education records containing information about more than one student; however, in such cases the College must permit access to that part of the record which pertains only to the inquiring student.

3. Identification of Individuals Responsible for Student Records

Alabama Southern Community College has designated the following officials as being responsible for student records within their respective areas:

Dean of Students: The Dean of Students will see that all students upon acceptance to the College

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will have an individual student record file containing all admissions criteria needed for acceptance to the College. This office is charged with the responsibility of continuously maintaining all students' files in a safe and orderly manner, updating all records needed on the individual student, and updating and maintaining an adequate backup system for student records.

Director of Financial Aid: The Director of Financial Aid has the responsibility of maintaining an adequate and up-to-date student record file on all students receiving any state or federal financial assistance.

The Registrar is ultimately the custodian of students' records.

The Vice President of Operations has the responsibility to make sure that all FERPA provisions are met related to release of financial information concerning individual students.

To review records, students and former students may go to the respective office of record (ex. Admission Office, Registrar's Office, Financial Aid Office), present a valid photo identification and ask to review the record. If it is an inappropriate time to retrieve the record on short notice, students may be requested to complete a *Request to Review Education Records* form. Because of various circumstances, the College may delay to a maximum of 45 calendar days the release of the records for review. The College is not required to provide access to records of applicants for admission who are denied acceptance, or, if accepted, do not attend.

4. Providing Records to Third Parties

Alabama Southern Community College shall obtain written consent from students before disclosing any personal identifiable information from their education records. Such written consent must: specify the records to be released, state the purpose of the disclosure, identify the party or class of parties to whom disclosure may be made, and be signed and dated by the student.

According to FERPA guidelines, ASCC may release students' education records to the following without prior written consent from the student:

1. To officials within the College who have been determined by the College to have a legitimate educational interest in the records. School officials include counselors and instructors who are involved in counseling students, administrators who assist in counseling and who advise students with other problems, professional and clerical staff who directly relate to the administrative task of the College, and College attorneys. A school official has a legitimate education interest if the official is performing a task that is specified in his/her position description or by a contract agreement, performing a task related to a student's education, or performing a task related to the discipline of a student. When doubt is raised by the Dean of Students about an individual's "need to know" or legitimate educational interest in having access to specific information, the issue shall be decided by the President of the College.
2. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.

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3. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of that aid.
4. To state and local officials to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
5. To organizations conducting certain studies for or on behalf of ASCC.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of eligible students who claim the students as dependent for income tax purposes. Determining the dependency, as defined by Section 152 of the Internal Revenue Code, requires a copy of the parents' most recent Federal Income Tax Form.
8. To appropriate parties in a health or safety emergency subject to a determination by the President or Dean of Students.
9. To personnel complying with a judicial order or lawfully issued subpoena, provided that the Registrar's Office makes a reasonable attempt to notify students in advance of compliance.

The College is not required to notify an alleged victim of any crime of violence of the results of any college disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime; however, the President may choose to do so.

NOTE: ASCC is not required to notify students if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the College not to disclose the existence or contents of the subpoena.

J. Harassment and Discrimination Policy

The Alabama Community College System Board of Trustees is committed to providing both employment and educational environments free of harassment or discrimination related to an individual's race, color, gender, religion, national origin, age, disability, or any other protected class. Such harassment is a violation of Alabama Community College System Board of Trustees policy. Any practice or behavior that constitutes harassment or discrimination shall not be tolerated on any campus or site, or in any division, or department by any employee, student, agent, or non-employee on any institution's property and while engaged in any institutionally sponsored activities.

It is within this commitment of providing a harassment-free environment and in keeping with the efforts to establish an employment and educational environment in which the dignity and worth of members of the community are respected, that harassment of students and employees is unacceptable conduct and shall not be tolerated at any of the institutions that comprise The Alabama Community College System.

A nondiscriminatory environment is essential to the mission of The Alabama Community College System. An abusive environment inhibits, if not prevents, the harassed individual from performing

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responsibilities as student or employee and creates a hostile work environment. It is essential that institutions maintain an environment that affords equal protection against discrimination, including sexual harassment. The institutions of The Alabama Community College System shall take all the necessary steps to ensure that harassment, in any form, does not occur. Employees and students who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority as to the severity of the offense with final approval from the President.

Employees and students of The Alabama Community College System shall strive to promote an environment that fosters personal integrity where the worth and dignity of each human being is realized, where democratic principles are promoted, and where efforts are made to assist colleagues and students to realize their full potential as worthy and effective members of society.

Administrators, professional staff, faculty, and support staff shall adhere to the highest ethical standards to ensure professionally functioning institutions and to guarantee equal educational opportunities for all students.

For these purposes, the term “harassment” includes, but is not necessarily limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual’s race, color, gender, religion, national origin, age, disability, or any other protected class. Harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical contact if perceived as such by the recipient.

Any contact solicited during non-traditional business hours may be perceived as harassment by recipient unless it is specifically associated with work related duties.

Harassment of employees or students by non-employees is also a violation of this policy. Any employee or student who becomes aware of any such harassment shall report the incident(s) to the appropriate institution official. Failure to act, which includes initial investigation, shall be deemed in direct violation of this policy.

Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. Sexual harassment does not refer to occasional compliments; it refers to behavior of a sexual nature which interferes with the work or education of its victims and their co-workers or fellow students. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite sex or the same sex, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when perceived by the recipient that:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational opportunities;
2. submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

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Any incident of harassment shall be reported to the grievance officer as promptly as possible after the harassment occurs.

The employees of the institutions within The Alabama Community College System determine the ethical and moral tone for these institutions through both their personal conduct and their job performance. Therefore, each employee must be dedicated to the ideals of honor and integrity in all public and personal relationships. Relationships between institution personnel of different ranks, including that of instructors and students, which involve partiality, preferential treatment, or the improper use of position shall be avoided. Further, such relationships may have the effect of undermining the atmosphere of trust on which the educational process depends. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or employees there is always an element of power. It is incumbent on those with authority not to abuse the power with which they are entrusted.

All personnel shall be aware that any romantic relationship (consensual or otherwise) or any otherwise inappropriate involvement with another employee or student makes them liable for formal action against them if a complaint is initiated by the aggrieved party in the relationship. Even when both parties have consented to the development of such a relationship, it is the supervisor in a supervisor-employee relationship, the faculty member in a faculty-student relationship, or the employee in an employee-student relationship who shall be held accountable for unprofessional behavior.

This policy encourages faculty, students, and employees who believe that they have been the victims of harassment to contact the grievance officer or other appropriate official at the institution where the alleged incident occurred. Any reprisals shall be reported immediately to the grievance officer or other appropriate official.

This policy shall be distributed, communicated and implemented in a manner which provides all interested parties the opportunity to be informed of this policy. A system-wide educational program shall be utilized to assist all members of the community to understand, prevent and combat harassment.

A harassment educational program may consist of seminars, workshops, videos, and/or printed materials. The educational elements of this policy seek to achieve the following goals through dissemination of this policy and providing a training program by: (1) ensuring that all administrators, faculty, students, and all employees are made aware of their rights concerning sexual harassment; (2) notifying individuals of conduct that is prohibited; (3) informing administrators and supervisors about the proper procedures in addressing complaints. This program must be administered annually and approved by Alabama Community College System.

The Chancellor will issue guidelines to ensure the adherence to, implementation of, and enforcement of this policy.

1. Definition of Harassment

Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. Sexual harassment does not refer to occasional compliments; it refers to

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behavior of a sexual nature which interferes with the work or education of its victims and their co-workers or fellow students. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite sex.

Sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestions that a person could get a higher grade or a raise by submission to sexual advances. The suggestion or advance need not be direct or explicit; it can be implied from the conduct, circumstances, and relationship of the individuals involved. Sexual harassment can also consist of persistent, unwanted attempts to change a professional or educational relationship to a personal one. Sexual harassment is distinguished from consenting or welcome sexual relationships by the introduction of the elements of coercion; threat; unwelcome sexual advances; unwelcome requests for sexual favors; other unwelcome sexually explicit or suggestively written, verbal, or visual material; or unwelcome physical conduct of a sexual nature.

Examples of verbal or physical conduct prohibited within the definition of sexual harassment include, but are not limited to:

1. physical assault;
2. direct or implied threats that submission to or rejection of requests for sexual favors will affect a term, condition, or privilege of employment or a student's academic status;
3. direct propositions of a sexual activity;
4. subtle pressure for sexual activity;
5. repeated conduct intended to cause discomfort or humiliation, or both, that includes one or more of the following: (i) comments of a sexual nature or (ii) sexually explicit statements, questions, jokes, or anecdotes;
6. repeated conduct that would cause discomfort and/or humiliate a reasonable person at whom the conduct was directed, including one or more of the following: (i) touching, patting, pinching, hugging, or brushing against another's body; (ii) commentary of a sexual nature about an individual's body or clothing; or (iii) remarks about sexual activity or speculation about previous sexual experience(s);
7. intimidating or demeaning comments to persons of a particular sex, whether sexual or not;
8. displaying objects or pictures which are sexual in nature and that would create a hostile or offensive employment or educational environment and serve no educational purpose related to the subject matter being addressed.

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2. Resolution of Harassment and Discrimination Complaints

The procedure for reporting a complaint is as follows:

1. Any member of the College community who believes that he or she has been the victim of sexual harassment or illegal discrimination may bring the matter to the attention of any academic or administrative officer, vice president, dean, director, supervisor, or advisor. When a complaint has been reported to any of these individuals, the recipient of the complaint will forward the complaint to the designated administrator, who shall be designated by the President to coordinate the investigation of such complaints. The President shall be promptly notified of the complaint.
2. The complainant should present the complaint as promptly as possible after the alleged sexual harassment or discrimination occurs. The complainant should submit a written statement of the allegations. Retaliation against a student or employee for bringing a sexual harassment or discrimination complaint is prohibited. Retaliation is itself a violation of this policy and may be grounds for disciplinary action.
3. It is the intention of this policy to resolve complaints of sexual harassment and illegal discrimination as quickly as possible. Except in extraordinary cases, all complaints will be investigated and resolved within forty-five (45) days of receipt. Every possible effort shall be made to ensure confidentiality of information received as part of the investigation. Complaints will be handled on a need to know basis, with a view toward protecting the interests of both parties.
4. The investigation record shall consist of formal and informal statements from the alleged victim, the alleged offender, witnesses, and others deemed by the investigator to have pertinent knowledge of the facts involved in the complaint. The investigation will afford the accused a full opportunity to respond to the allegations. If the results of the investigation and informal resolution of the complaint are accepted by the alleged victim and he or she desires no further action against the alleged harasser, the complainant will sign a statement requesting that no further action be taken.

3. Formal Action

1. If the complaint cannot be resolved on an informal basis, the complainant may file a formal complaint. Each complainant has the right to proceed with or withdraw from the formal complaint procedure once it has been submitted. The issues involved in the complaint should not be changed once the charge has been made. However, administrative procedures may be revised to accommodate issues arising during the investigation which were not known to the complainant or the institution when the initial complaint was filed.
2. Complaints against students will be handled according to usual and customary student discipline procedures in effect at the institution.
3. In the event of complaints against employees, the appropriate administrator will

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notify the accused in writing of the complainant's decision to take formal action. Formal action will consist of the Title IX procedures as set forth below.

The original and two copies of the appropriate form must be filed with the appropriate administrator (depending on the complainant's work area assignment) within 30 calendar days following the date of alleged violation(s) of the Title IX regulation. Personnel whose work assignment is outside the authority of the above-named administrator should file a form with the Grievance Officer. The alleged violation(s) must be clearly and specifically stated. The complainant is advised to keep a copy of all forms.

The Grievance Officer will immediately notify the President of receipt of the Grievance form. The Grievance Officer or her designee will have 30 calendar days following date of receipt of the Grievance form to investigate, study complainant's allegations, hold a formal hearing, and make a written report of findings to complainant. A copy of the grievance form must be provided to the President. Complainant's copy must be mailed to his/her home address by certified mail, return receipt requested.

Complainant must, within 15 calendar days following receipt of the Dean's (or designee's) report, file with the President a written notice of acceptance or appeal of the report. If a notice of appeal is filed, an appeal form must be used. Complainant must state clearly and specifically on the appeal form the objections to the findings and/or decision of the Grievance Officer.

Copies of the appeal form must be provided to the President. If complainant fails to file notice of appeal by the end of the 15th calendar day following receipt of the Grievance Officer's report, the right to further appeal will be forfeited.

1. The President will have 30 calendar days following date of receipt of complainant's notice of appeal to investigate and study complainant's allegations and the report of the Grievance Officer and make a written report of findings to the complainant. The grievance form must be used for the report. Copies of the appeal form must be provided to the Chancellor. Complainant's copy must be mailed to his/her home address by certified mail, return receipt requested.
2. Complainant must, within 15 calendar days following receipt of President's report, file with the President a written notice of acceptance or appeal of the report. If notice of appeal is filed, an appeal form must be used. Complainant must state clearly and specifically on the form the objections to the findings and/or decisions of the President. Copies of the form must be provided to the Chancellor. If complainant fails to file notice of appeal by the end of the 15th calendar day following receipt of the President's report, the right to further appeal will be forfeited.
3. The Chancellor will have 30 calendar days following the date of receipt of complainant's notice of appeal to investigate, study complainant's allegations and the report of the President, hold a formal hearing, and make a written report of findings to the complainant. Copies of the form must be provided to the Grievance Officer. Complainant's copy must be mailed to his/her home address by certified mail, return receipt requested.

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NOTE: *If the last day for filing notice of appeals falls on either Saturday, Sunday, or a legal holiday, complainant will have until the close of the first working day following the 15th calendar day to file.*

NOTE: *It is the intent of the Policy to provide for a prompt and thorough investigation of any complaints. The time limits set forth within these guidelines are subject to change as needed to ensure satisfactory conclusion of the investigation.*