

# 9 HUMAN RESOURCES POLICIES

*03-16-2021 Added: Expressive Activities on Campus Policy approved by ACCS BOT*  
*06-01-2020 Updated Smoking/Tobacco Policy*  
*02-11-2020 Added: Information Security Program*  
*04-30-2019 Updated Complaint Procedure for Employees, Tuition Waiver Policy, and ACCS website address*  
*04-22-2019 Updated ACCS website address*  
*09-04-2018 Updated Employee Titles*  
*08-07-2018 Updated Purchasing Procedures*  
*06-19-2018 Revisions Approved by Executive Council*  
*04-12-2018 Removed References to the Uniform Guidelines and Updated Safety/Emergency Procedures*  
*02-13-2018 Revisions Approved by Executive Council*  
*06-14-2017 Updated Use of Facilities and Services Policy*  
*06-05-2017 Updated Human Resources Office*  
*01-10-2017 Revisions Approved by Executive Council*  
*12-13-2016 Revisions Approved by Executive Council*  
*11-15-2016 Revisions Approved by Executive Council*

## **RESPONSIBILITIES OF EMPLOYEES**

The major responsibilities and essential job functions of all employees are specified in their job descriptions and/or in their employment notification. In addition to fulfilling these responsibilities, an employee may be called upon to sponsor an appropriate student organization. Employees may be required to attend area and general meetings and annual commencement exercises. All employees must comply with the College's policies and procedures as well as Alabama Community College System Board of Trustees policies and Chancellor's directives.

## **NON-DISCRIMINATION POLICY STATEMENT**

It is the policy of the Alabama Community College System, Lurleen B. Wallace Community College, and all postsecondary community and technical colleges under the control of the Alabama Community College System Board of Trustees, that no employee or applicant for employment or promotion, on the basis of any impermissible criterion or characteristic including, without limitation, race, color, national origin, religion, marital status, disability, sex, age, or any other protected class as defined by federal and state law, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or employment.

Lurleen B. Wallace Community College is an equal opportunity employer and complies with the *Americans with Disabilities Act*. The College will make reasonable accommodations for qualified disabled applicants or employees.

## **ACCOUNTABILITY FOR EQUIPMENT**

All College personnel are held accountable for equipment, furniture, and other materials issued to them. They should immediately report any loss to their immediate supervisor and to security. To prevent loss, doors should be locked when rooms are not in use. All personnel are instructed to lock their offices when they leave. To minimize loss of College-owned equipment, the following steps shall be followed:

1. Identification and proper inventory of all furniture, equipment, and materials;
2. Provisions of adequate physical security for designated equipment and materials;
3. Arrangement of a staggered lunch schedule so that someone is always available in or near offices and critical areas;
4. Assignment to the last person using equipment the responsibility for properly storing it at the end of the day;
5. Approval by the appropriate College official prior to use of facilities.

### Equipment Disposal

Items of equipment that are obsolete and no longer functional may be removed from inventory. Completed *Inventory Redistribution Form* should be submitted to the Division Chair who then forwards to the Chief Financial Officer.

### Equipment Inventory

An inventory of equipment is maintained in the Business Office and a physical inventory is taken annually. If there is need for equipment or furnishings to be moved, employees should complete *Inventory Redistribution Form* and submit to their supervisor.

### Equipment Transfers

No staff member is given authority to give away equipment or accept transfers from other institutions. Should there be a justifiable need to transfer or dispose of equipment or receive a transfer, the Division Chair will complete the *Inventory Redistribution Form* and submit it to the President for proper signatures. This is a contractual procedure that must be adhered to strictly.

## **ADDITION AND REVISION OF COLLEGE POLICIES**

The addition or revision of all College policies will be presented to the Executive Council for review and approval. Upon approval, the member of the Executive Council who submitted the policy will forward a complete electronic copy of the new or revised policy to the Executive Council's Recording Secretary. The Recording Secretary will edit the *Policies and Procedures Manual* to include the new or revised policy and will send a copy of the complete policy to all College employees via e-mail for notification purposes. Supervisors are responsible for notifying any employees within their departments who do not have an LBWCC e-mail address of the policy addition or revision.

## **ADVERTISING**

The College shall not permit the use of its name or logo in any announcement, advertisement, publication, or report if such use in any way implies institutional endorsement of any person, product, or service. Any firm or its advertising agency requesting use of pictures or facilities of the College for sale or advertising purposes, or requesting the use of any copy relating to such pictures or facilities, should be referred to the President. The President is responsible for determining whether the institution's name or logo may be used in conjunction with the particular project or service.

### **Advertising on College Property**

No advertising signs, posters, or other material may be placed on any campus property or facility by any non-affiliated group, organization or individual; except that the institution may permit advertising at designated locations on campus. Affiliated groups, organizations and individuals may place advertising materials on campus property, but only in such places as are designated by the institution.

The institution may authorize the inclusion of advertisements in appropriate campus publications for a reasonable fee. The institution may permit limited advertising by groups, organizations or individuals when incidental to donation of property or services to the institution, or pursuant to a contract with the institution.

## **BULLETIN BOARDS**

All campus bulletin boards are the property of the institution. The Dean of Student Affairs may assign responsibility for bulletin board use and maintenance according to the location of bulletin boards on campus.

## **CASH MANAGEMENT AND INVESTMENTS**

On October 23, 1986, the Alabama Community College System (ACCS) adopted guidelines for the purpose of establishing an official cash management and investment policy for public two-year colleges. The Chancellor is charged with the responsibility for administering guidelines and for specific directions in regard to the performance of an investment and cash management program.

Cash management is defined as the maximum use of temporarily available cash for short-term investments and employs available funds in an investment program. The total operating revenue of the institution represents the amount of working capital flowing through the institution in a year. Even though a large percentage of unrestricted current funds is received in monthly installments, there is some amount of revenue that is held long enough for short-term investments that increase available revenues.

Whenever possible, the College avails itself of somewhat longer-term investments when sufficient amounts over that which is needed for operations are available.

The following guidelines are set forth by the Alabama Community College System Board of Trustees and the Chancellor:

### Responsibility

The President is responsible for the establishment of a cash management and investment program for institutional funds. The President designates the Chief Financial Officer to be responsible for the day-to-day activities and functions of the program, as well as short-term investments. The President's designee is bonded in an appropriate amount in accordance with the *Alabama Community College System Board of Trustees Policy 302.01: Fidelity Bond Schedule*.

### Investment Goals

1. The institution invests all appropriate available cash on a daily or short-term basis to secure the maximum investment return that is consistent with investment management policy. All monies available for investment are placed in an interest-bearing account unless legally restricted by an external agency.
2. Cash is managed so as to maximize the balance available for short-term investments.
3. Sufficient liquid funds are maintained to pay current bills on time.

Procedures

1. All funds invested (in any manner) are secured with U.S. Government or other appropriate collateral within acceptable limits of risk and consistent with the purposes of the funds. Financial institutions in which the College invests funds must be insured by FDIC/FSLIC and be designated as a qualified public depository under the *Security for Alabama Funds Enhancement (SAFE) Act*.
2. Banking services, including investments, are evaluated and selected based upon services rendered by the financial institutions in the College service area.
3. Interest earned is accounted for in the fund in which earned. Account number 484, "Investment Income", is used to record interest earned.
4. The institution has an accurate cash projection plan to anticipate cash receipts and planned disbursements.
5. Effective management of cash receipts consists of methods that improve the rapidity with which the institution increases its bank balance. All cash is deposited in an interest-bearing account at least once a week, and in no case do receipts exceed \$500.00 without making a deposit.
6. The institution attempts to increase the yield of investments to the maximum extent consistent with all other considerations that must be observed.

### **CLAIMS FOR UNINSURED MEDICAL COSTS OR PERSONAL PROPERTY DAMAGE ON INSTITUTION PROPERTY**

Procedures for Filing Claims

1. All personal injury/property damage shall be reported to the Campus Director on the campus which the incident occurred. All claims will be processed through the office of the Campus Director.
2. Upon notification of injury or personal property damage, the Campus Director must advise the claimant of, and allow the claimant to file, a Claim for Uninsured Medical Costs or Personal Property Damage on Institution Property. The claimant must return completed forms to the Office of the Campus Director within 45 days of reporting incident.
3. Claims submitted to the Campus Director will be reviewed by a committee consisting of the Campus Director, Director of College Facilities and Maintenance, and the Chief Financial Officer.
4. The committee will submit their recommendation for each claim to the President, using the *Recommendation for Disposition of Claim for Uninsured Medical Costs or Personal Property Damage on Institution Property form*.
5. Upon disposition of claim, the President will notify the claimant by letter of his/her decision.

6. If claim is partially paid or denied, the President must advise claimant of the right to file a contested claim with the Alabama State Board of Adjustment (BOA) and must provide the claimant with appropriate forms and procedures for filing a claim with the BOA.
7. If claim is approved, the President will provide documentation to the Business Office for payment.
8. The President will be responsible for maintaining records of claims and filing quarterly reports with the Chancellor's Office.
9. Every effort must be made to complete the claim process within 60 days. Should the College be unable to meet the 60 day requirement, the President must provide a written explanation to the Chancellor.

*(See Section 11 of the Policies & Procedures manual for the claims report form and the claim form.)*

### **COMMUNITY USE OF LEARNING RESOURCES EQUIPMENT**

In an effort to provide services in the best community spirit, the Lurleen B. Wallace Community College Learning Resource Center offers limited public services to the community served by the College district. The extent to which these services can be offered is governed by state law regarding non-college affiliated individuals and groups.

All persons in the LBW Community College service area have access to the resources of the Learning Resource Center; they are invited and encouraged to utilize these resources in the LRC. Government agencies, business and industrial groups, and non-profit agencies that need to borrow learning resource materials and equipment are required to submit a request to the Director of the Learning Resource Center.

The College reserves the right to refuse checkout privileges to any community organization. Failure to comply with the above rules will result in immediate suspension of borrowing privileges.

### **COMPUTER RESOURCES AND SERVICES**

Faculty offices are equipped with computer hardware and software to support instructional services. Any changes in software must be requested through the Office of the Associate Dean of Instructional and Information Technology. If faculty and staff have problems with computer hardware or software they may contact any member of the Information Technology Department. If you cannot reach someone and it's an emergency please contact the Office of the Associate Dean of Instructional and Information Technology.

Computer laboratories are available for student use on a scheduled basis. The following policy applies to all computer laboratories on all campuses:

### Lab Usage Policy:

Computer laboratories will be closed on all state holidays and breaks between semesters.

Labs will have a schedule on the door listing the posted hours of operation. These hours will vary from lab to lab and semester to semester. These labs will only be open during the posted hours.

After hours students may use the Library for computer access.

Instructors may have to unlock the lab for your class and will be expected to lock the lab back unless a class is scheduled to follow yours.

Maintenance staff and instructors should lock any lab found open outside of the posted hours of operation.

During class time instructors should only allow students enrolled in class to access the lab.

If the lab usage policy conflicts with student needs and access, students should contact the Associate Dean of Instructional and Information Technology.

Labs will only be opened outside of the posted hours on a case by case basis. For example:

If a student must complete an assignment the instructor could open the lab as long as the instructor locks the lab once the student is finished.

These policies will be enforced.

## **CONTRACTS AND LEASES**

All existing and/or new contracts and/or agreements, (including leases) between the College and other institutions/agencies/organizations for services/programs/staff utilization must be properly prepared and routed as follows with the appropriate individual reviewing and initializing their approval: initiator → immediate supervisor → Chief Financial Officer → President. The approved documents should be processed at least two weeks in advance of the expiration/renewal/submission date. This time line allows time for verification of legality, as well as time for the Chief Financial Officer and the President to check budgets and other relevant items.

Any lease of land or facilities owned by others must be approved by the Chancellor and reported to the Alabama Community College System Board of Trustees periodically. Any such lease which exceeds three years must be approved by the Governor.

## **DRUG FREE WORKPLACE POLICY AND PROGRAM FOR EMPLOYEES**

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 Lurleen B. Wallace Community College (LBWCC):

Lurleen B. Wallace Community College complies with the provisions of the Federal *Drug-Free Workplace Act of 1988* and the *Drug Free Scholar and Communities Act of 1989* as set forth by the *Alabama Community College System Board of Trustees Policy 613.01: Drug Free Workplace*. In addition, it is the policy of Lurleen B. Wallace Community College that information on drug and alcohol abuse prevention and assistance is available continuously online to each employee of Lurleen B. Wallace Community College through the *Lurleen B. Wallace Community College Policies and Procedures Manual*. This information and its distribution serves as the LBWCC drug-free awareness program.

- I. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited by LBWCC on any property owned, leased, or controlled by LBWCC or during any activity conducted, sponsored, or authorized by or on behalf of LBWCC. 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.)
- II. Lurleen B. Wallace Community College has and shall maintain this drug-free awareness program to inform employees about:
  - a. the dangers of drug and alcohol use in the workplace;
  - b. LBWCC’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.
- III. All employees of LBWCC shall comply with paragraph I. above.
- IV. Any employee who is convicted by any federal or state court of an offense which constitutes a violation of paragraph I. above shall notify the Senior Personnel Officer in writing of said conviction within five (5) work 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.”
- V. In the event of a report of a conviction pursuant to paragraph IV. above where the employee is working on a project or in a program funded through a federal contract or grant, LBWCC shall notify in writing within ten (10) days any federal agency to which such notification by LBWCC is required under P.L. 100-690.



- VI. In the event an employee violates paragraph I. above or receives a conviction as described in paragraph IV. above, the respective employee shall be subject to appropriate disciplinary action which may include but is not limited to reprimand, suspension, or termination of employment. LBWCC shall also reserve the right to require said employee, as a condition of continued employment, to satisfactorily complete a drug treatment or rehabilitation program of a reasonable duration and nature. If any employee engages in any behavior prohibited by this policy which is also a violation of federal, state, or local law, that employee shall be subject to referral to law enforcement officials.
- VII. Lurleen B. Wallace Community College shall make a good faith effort to ensure that paragraphs I. – VI. above are followed.
- VIII. Each employee of Lurleen B. Wallace Community College shall receive a copy of this policy and information.
- IX. The illegal use or abuse of controlled substances can cause serious, negative effects. This activity can injure the health of the user, adversely impair performance and understanding, and endanger the safety and well-being of others.

In addition to absenteeism, loss of production, accidents, and deaths, other problems associated with the use and/or abuse of controlled substances in the workplace include:

- Tardiness / sleeping on the job
  - Withdrawal symptoms decreasing job performance
  - Poor decision making
  - Loss of efficiency, attention, concentration
  - Theft
  - Lowered morale of co-workers
  - Preoccupation with using the substances while at work
  - Illegal activities at work to support the addiction
  - Increased likelihood of trouble with co-workers, supervisors, or tasks
  - Increased need for disciplinary measures
  - Increased turnover rates
  - Increased expense of hiring and training new employees
- X. According to the National Clearinghouse for Alcohol and Drug Information, when the issue of workplace substance abuse is addressed by establishing policy and programs, absenteeism, problems with supervisors, mistakes in work, and on-the-job injuries all decrease. Therefore, LBWCC encourages people who are engaging in the illegal use and/or abuse of controlled substances to seek professional advice and assistance.

The Substance Abuse and Mental Health Services Administration provides a free, confidential national helpline that is available twenty-four (24) hours a day, seven (7) days a week, and three hundred sixty five (365) days a year by calling 1-800-662-HELP (4357). This service provides referrals to local treatment facilities, support groups, and community-based organizations.

Available drug and alcohol counseling and rehabilitation programs within a one hundred (100) mile radius of LBWCC include:

**South Central Alabama Mental Health – Butler County**

185 Industrial Parkway  
Greenville, AL 36037  
Phone: (334) 382-2018

**South Central Alabama Mental Health – Coffee County**

2861 Neal Metcalf Road  
Enterprise, AL 36330  
Phone: (334) 347-0212

**South Central Alabama Mental Health – Covington County**

205 Academy Drive  
Andalusia, AL 36420  
Phone: (334) 428-5050

**South Central Alabama Mental Health – Crenshaw County**

587 Bentley Avenue  
Luverne, AL 36049  
Phone: (334) 335-5201

**Insight Treatment Program**

501 Plaza Drive  
Enterprise, AL 36330  
Phone: (334) 445-6190

**East Central Mental Health, Inc.**

200 Cherry Street  
Troy, AL 36081  
Phone: (334) 566-6022

**Army Substance Abuse Program**

Andrews Avenue  
Fort Rucker, AL 36362  
Phone: (334) 255-7509

**COPE Center**

3686 U.S. Highway 331 South  
Defuniak Springs, FL 32435  
Phone: (850) 892-8045

**Lakeview Center, Inc.**

6024 Spikes Way  
Milton, FL 32572  
Phone: (850) 437-8900

**Bradford Health Services**

114 Adris Place  
Dothan, AL 36303  
Phone: (334) 671-1677

**Destin Recovery, L.L.C.**  
4635 Gulfstarr Drive  
Destin, FL 32541  
Phone: (855) 638-7258

**Cahaba Cares**  
45 Camden Bypass  
Camden, AL 36726  
Phone: (334) 682-4499

**Bradford Health Services**  
8333 North Davis Highway  
Pensacola, FL 32514  
Phone: (850) 308-7720

**Lighthouse Counseling Center, Inc.**  
111 Coliseum Boulevard  
Montgomery, AL 36109  
Phone: (334) 286-5980

**Bradford Health Services**  
386 Saint Lukes Drive  
Montgomery, AL 36117  
Phone: 800-873-2887

**Cahaba Center for Substance Abuse**  
1017 Medical Center Parkway  
Selma, AL 36701  
Phone: (334) 874-2600

**A Nu Direction**  
500 Hospital Drive  
Wetumpka, AL 36092  
Phone: 877-647-7552

**Emerald Coast Behavioral Hospital**  
1940 Harrison Avenue  
Panama City, FL 32405  
Phone: (850) 763-0017 x 221

**Early County Mental Health Substance Abuse Center**  
763 Jesse Johnson Drive  
Blakely, GA 39823  
Phone: (229) 724-2206

This list is not meant to be comprehensive. Information about additional programs and treatment facilities is available in the Human Resource office.

## **DISTRIBUTION OR SALE OF LITERATURE**

Any literature which is, or which is proposed to be, distributed, or sold shall comply with all applicable federal, state, and local laws and regulations, and with the regulations and policies of the institution, and the Alabama Community College System Board of Trustees. No obscene literature or material shall be distributed or sold on any property owned or used by the institution.

No literature, material, or other printed matter shall be sold or distributed within (1) classrooms, libraries, or other academic buildings or facilities; or (2) administrative and employee offices and work areas. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.

The institution shall have the right to terminate the distribution or sale of literature by any group, organization or individual that violates the provisions of this policy.

## **EMPLOYEE DISCIPLINARY ACTION FORM**

LBWCC utilizes a progressive discipline approach and has adopted the use of an *Employee Disciplinary Action* form as part of the disciplinary process. The *Employee Disciplinary Action* form is to be used by supervisors when an employee's behavior requires correction and when the degree of the behavior requires that disciplinary action be taken. The form may be used in conjunction with an unsuccessful *Performance Improvement Plan*, for a stand-alone behavior, or for a series of behaviors.

The use of the *Employee Disciplinary Action* form will provide clear documentation for the cause of the disciplinary action as stated by the supervisor, the employee's statement of facts concerning the issue, and the disciplinary action taken. All *Employee Disciplinary Action* forms will be maintained in the personnel file of the disciplined employee. Supervisors are encouraged to work with the Senior Personnel Officer prior to creating an *Employee Disciplinary Action* form.

## **EMPLOYEES ENROLLING AS COLLEGE STUDENTS**

Prior to registering for any college course, an employee must submit to his/her immediate supervisor an *Employee Course Registration Approval* form which details his/her proposed work schedule and supporting documentation including a copy of the course schedule and independent study documentation, if applicable. The supervisor is responsible for verifying that the employee's work schedule does not conflict with the course schedule. If no scheduling conflict exists or if the course will be conducted as an independent study, the supervisor will approve the request and forward the form and documentation to the next appropriate supervisor in the chain of command. If the employee intends to register for a course that will be taught as an independent study, the employee must submit with the *Employee Course Registration Approval* form a written statement from the course instructor stating that the course will be conducted on an independent study basis.

If a scheduling conflict does exist and the course will not be conducted as an independent study, the supervisor is responsible for verifying that the employee's adjusted work schedule reflects any travel time associated with the course and the number of hours the employee is required to work each week.

Following the President's approval, the request and all documentation will be forwarded by the President's Administrative Assistant to the Payroll Office. A copy of the approval will also be forwarded to the Human Resources Office, the immediate supervisor, and the requesting employee. Should the request be declined or require further discussion, all documentation will be returned to the immediate supervisor. All approvals must be completed prior to the conclusion of the Drop/Add period. Following the initial approval, any revisions, such as dropping or adding of classes, to the course schedule or work schedule must be re-submitted for the approval process.

*The Employee Course Registration Approval form is included in Section 11 of the Lurleen B. Wallace Community College Policies and Procedures Manual.*

## **E-VERIFY POLICIES AND PROCEDURES**

Lurleen B. Wallace Community Colleges complies with the *Beason-Hammon Alabama Taxpayer and Citizen Protection Act (Act 2011-535)*. The final determination of an unauthorized alien shall be vested in the federal government.

### Contractors and Subcontractors – Section 9

“A condition for an awarding of a contract, grant, or incentive by the State to a contractor will be that the contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien. The contractor must attest by signed, sworn affidavit, which shall be notarized. The contractor must provide verification that he/she is enrolled in the E-Verify program. These same conditions apply to subcontractors” (*Act 2011-535*).

Prior to the awarding of a contract, grant, or incentive, the contractor will return to the LBWCC Chief Financial Officer the required *Memorandum* and the required completed *Affidavit of Alabama Immigration Law Compliance* form affirming that no unauthorized alien has or will be knowingly employed, hired for employment, or continue to be employed by the contractor and/or subcontractor, and the required completed *Notice of Alabama Immigration Law Compliance to all Contractors of ACCS Institutions*. The contractor is responsible for providing a copy of the same *Memorandum*, *Affidavit of Alabama Immigration Law Compliance*, and *Notice of Alabama Immigration Law Compliance to all Contractors of ACCS Institutions* to its subcontractors/grantees and is responsible for maintaining the required completed copies in the contractor’s office.

For contractual agreements with individuals for the purpose of providing specific services such as tutoring, instructing continuing education classes, instructing training for existing business and industry classes, etc., the individual must submit a completed Form I-9 with the required identification documents to the LBWCC Chief Financial Officer at the time the contractual service agreement is reached. The Chief Financial Officer will initiate the E-Verify program procedures no later than the College’s third business day after the beginning date of the contractual services agreement and is responsible for meeting and complying with all follow-up procedures of the E-Verify program.

Penalties for violations of this section or portions of this section are described in the Act. The effective date of this section is January 1, 2012.

### Employees and Employment – Section 15

“No public employer shall employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Alabama. Every business entity or employer in this state shall enroll in E-Verify... This system shall be used to verify the employment eligibility of an employee. A business that utilizes E-Verify will not be deemed to have violated this section of the Act as to the employment of an employee” (*Act 2011-535*).

This section relates to anyone employed receiving state or federal monies from any source including work study students. Once an offer of employment is accepted, the employee

submits a completed Form I-9 and the required identification documents to the appropriate College official. Work study students will submit the Form I-9 and documents to the appropriate campus Financial Aid Office. All other employees will submit the Form I-9 and documents to the Human Resources Coordinator.

The appropriate College official will initiate the E-Verify program procedures no later than the College's third business day after the beginning date of employment. The respective College official is responsible for meeting and complying with all follow-up procedures of the E-Verify program.

Penalties for violations of this section or portions of this section are described in the Act. The effective date of this section is April 1, 2012.

#### Employers – Section 26

“On or after January 1, 2012, before receiving any contract, grant, or incentive by the State, an employer shall provide proof to the State that it is enrolled and participating in E-Verify, either independently or through the Alabama Department of Homeland Security. An employer that is enrolled in E-Verify is immune from liability under Alabama law for any actions by an employee for wrongful termination or retaliation based on notification from the E-Verify should the program identify the employee as an unauthorized alien” (*Act 2011-535*).

In accordance with this section, LBWCC enrolled in the E-Verify program and submitted the memorandum of understanding in December, 2011. The administrative user and multiple general users were established within the E-Verify program in December, 2011. Public notices required for employers participating in the E-Verify program were posted on all LBWCC campuses and at the Luverne Center in December, 2011. LBWCC submitted the *Affidavit of Alabama Immigration Law Compliance* form and a copy of the *E-Verify Memorandum of Understanding* to the Alabama Community College System in January, 2012.

## **EXTERNALLY FUNDED GRANTS AND CONTRACTS**

### Policy for Externally Funded Grants and Contracts

External grants and contracts are available to the community college from a number of sources, both public and private, to fund a variety of programs and purposes. It is the policy of Lurleen B. Wallace Community College that all external grants and contracts must conform to the purpose and goals of the College.

Executive Council members are responsible to the President to ensure that grants and contracts proposed from within their divisions support the mission of the College, to determine if the College can develop a competitive grant in a cost-effective manner, and to assist faculty and staff in acquiring and managing grants and contracts according to College policy and grantor requirements.

In order to maintain an appropriate balance between grant and contract activity and instruction, grant applications and contracts will specify the time and effort required of a College employee for grant activities. If time and effort for the grant activities will threaten continuity of instruction or services, the grant application or contract will specify conditions of release time for the employee participating in the grant. The College will specify the amount of release time to be provided for the employee and if grant or College funds will be used to pay for release time.

Lurleen B. Wallace Community College is a teaching institution, not a research institution. The College allows for academic freedom, and faculty and staff have the option to engage in research. Investigation, reporting, and publishing findings or results must not diminish or detract from their primary responsibilities as specified in their job descriptions. Salaries for faculty and staff conform to salary schedules approved by the Alabama Community College System, and nine month appointments are issued to full-time faculty for fall and spring semesters. Three month appointments are issued to faculty with full-time instructional loads in the summer semester. Full-time staff members have twelve-month appointments. Faculty or staff receiving salaries from grant funds must complete time and effort reports showing the percentage of time worked on grant activities and the percentage of time devoted to institutional activities. Grant funds will not be used to supplant state funds. Any consultative service outside the employee's regular duties as specified in the College job description must be detailed in a separate consultant agreement and signed by the employee, grant project director, and President.

The College's *Guidelines for External Grants and Contracts* outlines procedures which ensure that the institution maintains control over research and instruction. The College will apply only for grants and contracts which conform to the mission of the institution. The College will follow the policies of the Alabama Community College System Board of Trustees as well as federal and state regulations to ensure that continuity of support for general institutional activities is not endangered and that supplanting of state funds does not occur with grant funds. The College will utilize grant funds to improve, rather than to maintain, general institutional activities. Grants and contracts must have a specified beginning and ending date and activities and must be signed by the College President.

The College will not depend upon indirect cost allowances from grants and contracts to support its regular operation budget. Indirect costs allowances from grants and contracts are used to reimburse the College for general administrative expenses born by the College on behalf of the grant.

#### Guidelines for External Grants and Contracts

Grants and contracts for external funding are sought to enhance College programs and services in conformance with the mission of the institution. Executive Council members coordinate the grant-seeking and application process to ensure compliance with College policies for external grants and contracts.

When the College seeks external funding for special projects, additional responsibilities are placed upon the College in securing and administering these potential funds. The mission is to encourage personnel to develop creative ideas into viable model projects with an emphasis on

identified needs and to ensure that these projects are properly managed. The funding process, from the initial stages of proposal development through the duration of the funded project, should provide for a minimum of in-house constraints but should also provide for a maximum of accountability.

Employees are encouraged to discuss project ideas with the appropriate Executive Council member who will use the following procedures.

After determining that the goals of the proposal are in line with the College mission and identifying appropriate grantors, the Executive Council member and project initiator will determine if the grant can be developed by the grantor deadline and have a reasonable chance of funding. Federal grant opportunities and deadlines may be found at [www.grants.gov](http://www.grants.gov) or the Federal Register. Employees may subscribe to a mailing list of grant opportunities by following subscription directions at [www.grants.gov](http://www.grants.gov) or [www.gpoaccess.gov/fr/](http://www.gpoaccess.gov/fr/).

1. If the College is determined to be competitive and can meet the deadline for the grant application by using an in-house writing team, the Executive Council member invites the project initiator and faculty and staff with expertise relating to the project to serve as members of the grant writing team. The Executive Council member may contact experienced grant writers within the College for advice on proposal preparation including the Associate Dean of Adult Education, Workforce Development, and Continuing Education, Director of Student Support Services, Director of Institutional Effectiveness and Quality, Dean of Instruction, and Associate Dean of Applied Technologies. If the project initiator has the necessary qualifications and experience required to serve as project director, he or she may serve as project director with the approval of the President and lead the grant writing team. If the deadline can be met, but the College does not have adequate expertise to write a grant, the Executive Council member will recommend a subject area specialist to the President and request that a contract be prepared to acquire consultative services which result in a fundable proposal by the grant deadline.
2. The Associate Dean of Institutional Effectiveness and Quality and the Luverne Center will provide the in-house grant writing team or the consultant with a College Profile which can be used to provide background about the College's mission, accomplishments, and student population.
3. The Executive Council member will assist the grant writing team with the proposal development process as needed and will act as a liaison to request information and approval from the Business Office regarding budgets, to request input from the Executive Council, and to request matching funds as appropriate and project approval from the President.

Projects which are College-wide in scope will be initiated by the appropriate Executive Council member with input by the Executive Council and direction by the President. The President will determine if College employees or a consultant will be responsible for preparing multi-year grants.

4. Proposals may vary in length, format and quality; however, all proposals must contain a consistent core of elements and characteristics. In general, a good proposal has the following components:
  - A. Need
  - B. Objective(s) (Purpose)
  - C. Methodology (Procedures)



- D. Evaluation
- E. Budget

These five major elements structure the essence of a good proposal. The proposal must be written in concise language. It is advisable to prepare a one- or two-page summary of proposed objectives and activities as an initial concept paper. This abstract can then be expanded to fully develop each of the five components mentioned. These brief recommendations are especially valid in the area of federal and state programs.

A well-written competitive proposal takes time to plan and develop for potential funding. The planning process can take several months. After the idea and proper funding agency have been identified and the President has approved the proposed project, the following elements will be a part of the timeline.

- Contact funding agency for RFP or download from agency web site.
- Complete preliminary research and write well-planned needs assessments.
- Develop prospectus (abstract) working with various approaches to implement the project.
- Submit preliminary prospectus to agency if required.
- Modify prospectus based on agency recommendations.
- Complete second draft using feedback from faculty and staff
- Finish and refine final proposal
- Submit to agency
- Agency approves or rejects proposal

Employees who submit grants to external agencies will provide a *Grant Information Submission Form* to the Public Information Officer who will provide regular reports to the President regarding funding status of submissions.

All external grants or contracts offered to the College require thorough review by the Chief Financial Officer, the appropriate Executive Council member, divisional personnel participating in the grant or contract, and the President of the College. The President makes the final decision to accept or refuse terms and/or conditions of externally funded grants or contracts. All contracts must have the signature of the President of the College. The grant program's designated Project Director shall be the negotiator for grant awards. However, the President shall be designated as the appropriate College official for award notifications.

Grant requests are submitted directly to governmental agencies on behalf of the College unless the grantor requires a *501(c) (3) agency*. In this case, the grant proposal will be submitted through the Lurleen B. Wallace Community College Foundation and/or the MacArthur State Technical College Foundation and require the appropriate action of the respective Board of Directors and signatures as necessary.

#### Fiscal Management of Grants and Contracts

The Chief Financial Officer shall be responsible for the review and fiscal impact determination of all external grant and contract awards. Recommendations shall be made to the Dean of Instruction and the President.

Fiscal management responsibility for grant awards shall be handled by the Business Office through the Director of Business Services in coordination with the Project Director.

All contracts with outside agencies may be reviewed by an attorney for proper legal form and proper protection of the interests of the College prior to application. The legal review may be made by the College attorney or any other attorney selected by the College.

Acceptance of externally funded grants, contracts or other sponsored programs is accompanied by the College's commitment to fiscal and programmatic accountability. Funds are awarded to the College and not to individuals.

When, in the execution of grants and contracts, it is necessary to employ individuals to carry out the terms of the grant or contract, these individuals will be employed for the term specified. These employees will be required to complete and submit monthly time and effort reports to the appropriate supervisor.

The Business Office exercises fiscal control of all externally funded grants, contracts, and other sponsored programs. Separate accounts are established for each grant, contract, or sponsored program. Expenditure Reports are prepared and distributed monthly to the appropriate individual(s) responsible for carrying out the program. Financial statements are prepared according to generally accepted accounting practices. Purchasing and contracting subordinate to grants will be conducted to meet the sponsoring agency's guidelines, but will always meet the requirements of the College's and state's purchasing and contract policies.

Externally funded grants and contracts are audited annually by the College's independent auditing firm. Grants and contracts are also made available for audit on demand by the sponsoring agency.

## **FACULTY QUALIFICATIONS POLICY**

Lurleen B. Wallace Community College employs qualified faculty members to accomplish its mission and goals. While primary consideration is given to an applicant's highest degree earned in the discipline, faculty may also be employed based on other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes such as professional licensure and certifications, honors and awards, and continuous documented excellence in teaching.

The College offers associate degree courses designed for transfer to a baccalaureate degree, associate degree courses not designed for transfer to a baccalaureate degree, and certificate courses designed to prepare students for employment which are not designed for transfer.

The following are minimum requirements for faculty employed based on their degrees earned and related work experience in the field.

Faculty teaching associate degree courses designed for transfer to a baccalaureate degree and nursing faculty are required to have a master's degree in the teaching discipline or master's

degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

Faculty teaching associate degree courses not designed for transfer to the baccalaureate degree are required to have a bachelor's degree in teaching discipline, or an associate's degree and a minimum of three years of full-time work experience in field. Faculty teaching developmental courses must have a bachelor's degree and courses within the discipline.

Faculty teaching certificate programs are required to have an associate's degree or certificate or the equivalent (three years of full-time in-field work experience with professional licensure or appropriate industry certifications approved by the College and a high school diploma or equivalent credential).

## **FLOWER FUND**

The purpose of the LBWCC Employee Flower Fund is to provide a source of funds to be used in sending flowers on behalf of the LBWCC employees. It will provide a method for employees to contribute to the flower fund by direct contribution or through payroll deduction.

The following guidelines have been adopted for sending flowers:

- Flowers are to be sent to all employees when the College is notified during:
  - Hospitalization of employee or employee's spouse when due to childbirth.
  - Bereavement due to the death of an employee or employee's immediate family member (spouse, children, parents, sister/brother, grandparents, grandchildren, parents-in-law, or children-in-law). Upon recommendation from College faculty and staff, these funds may be used in the event of the death of a currently enrolled student or a retired College employee.
- Cost of flowers should be approximately \$35.00 for hospitalization and \$50.00 for bereavement. In lieu of flowers, the employee or family can request a donation to a charity or foundation.
- Arrangements for sending flowers will be made by the LBWCC President's Office. The President's Office may substitute fruit baskets, in lieu of flowers, where appropriate.
- It is the responsibility of all employees to notify the Administrative Assistant to the President in the event of a need to send flowers.

Contributions to the LBWCC Employee Flower Fund can be made through an annual donation of cash or check to the business office or through monthly payroll deduction. A one-time donation of \$12.00 annually or \$1.00 per month payroll deduction will be accepted. In the event funds are exhausted due to higher than normal needs, employees will be asked to make additional contributions.

Each employee will have the opportunity to join the LBWCC Employee Flower Fund at any time. *The Flower Fund Participation form is available in the College Business Office.*

## **FRINGE AND OTHER BENEFITS**

Several types of fringe and other benefits are available to employees of the College.

All employees participate in the *Social Security System (FICA)*. A portion of each salary installment is withheld until the maximum for a calendar year is reached.

All full-time and permanent part-time employees (who are not already retirees of the Teachers' Retirement System of Alabama) are members of the *Teachers' Retirement System of Alabama* as Tier 1 or Tier 2 employees. Contact the Payroll Office for information.

Tax-sheltered annuity plans are also available to College employees. Contact the Payroll Office for information.

The College contributes funds under the *Alabama Unemployment Compensation Law* to cover all employees who may become totally or partially unemployed under conditions defined by law.

Eligible employees may participate in the *Alabama Public Education Employees' Health Insurance Plan*. Supplemental insurance plans are also available. Contact the Payroll Office for details.

## **EMPLOYEE FITNESS CENTER USAGE POLICY**

Lurleen B. Wallace Community College provides a Fitness Center for use by all regular full and part-time employees and LBWCC sponsored programs. The fitness center is located in the Seth Hammett Gymnasium on the Andalusia Campus.

Use of the College Fitness Center is conditioned on accepting and following the requirements listed in this policy.

1. All Fitness Center users are required to complete a *Fitness Center Liability Waiver*.
2. The use of the Fitness Center is **AT YOUR OWN RISK**. Fitness Center users must use caution while using the facility or embarking on an exercise program. All patrons are advised to seek medical consultation and clearance before using the College Fitness Center. LBWCC is not responsible for any injury or accident occurring in the facility including use of the locker room and shower area. The College is not responsible for any lost or stolen items left in the locker room or brought into the Fitness Center.
3. Only employees of Lurleen B. Wallace Community College or members of LBWCC sponsored programs (i.e., Athletics) may use the Fitness Center.
4. Use of the Fitness Center is prohibited during a LBWCC sponsored program organized event or session. The Fitness Center is reserved for athletics use during the fall and spring semesters from 1:00 p.m. to 5:00 p.m. Monday through Thursday and 9:00 a.m. to noon on Friday.
5. The Fitness Center shall not be used during basketball games.
6. Appropriate attire and footwear are required at all times when using the Fitness Center.
7. Employees may access the facility using their issued keys. Employees that access the facility after regular business hours are responsible for ensuring the security of the

facility. Heating and air conditioning may not be available if accessed outside of regular hours.

8. Report maintenance problems or other facility problems to College Athletic staff immediately.

## **INFORMATION FOR EMPLOYEES WITH DISABILITIES**

Lurleen B. Wallace Community College has the following physical facilities for faculty, staff, visitors, and students with disabilities:

- All parking lots have designated parking areas for persons with disabilities. These areas are equipped with wheelchair ramps, cut curbs, and guard rails where appropriate.
- Restrooms are available and accessible and are equipped with holding rails and stalls large enough to accommodate wheelchairs.
- All buildings requiring public access have entrances to accommodate wheelchairs.

Lurleen B. Wallace Community College makes every effort to comply with the provisions of the *Americans with Disabilities Act (ADA)*. As a part of its effort, the College seeks to provide an atmosphere for work and learning which is free of deterrents for students, employees, and individuals served by the institution.

### **Americans with Disabilities Act - Employees**

The Americans with Disabilities Act (ADA) requires Lurleen B. Wallace Community College to reasonably accommodate qualified individuals with disabilities. It is the policy of Lurleen B. Wallace Community College to not discriminate against qualified individuals with disabilities in regard to application of procedures, hiring, advancement, employment separation, salary, or any other conditions of employment.

LBWCC will provide reasonable accommodations to qualified employees with a disability so that these individuals can perform the essential functions of their positions.

Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until a decision has been made in regard to the employee's immediate employment situation to include the determination of an accommodation that can reasonably be made.

In order to assist employees with needs for reasonable accommodations the following procedures have been adopted.

- Employees are encouraged to make their supervisors aware of any reasonable accommodation requested for the performance of the essential functions of their jobs. Supervisors shall contact the Human Resources Coordinator once an employee has requested or disclosed a perceived need for a reasonable accommodation.
- If an employee is not comfortable working through the supervisor he or she should contact the Human Resources Coordinator directly. The Human Resources Coordinator

will assist the employee in completing and submitting the *Employee Request for Disability Accommodation Form*. The form will be submitted to the Human Resources Coordinator.

- Documentation of disability may be required. If so, such documentation will be maintained in a confidential file separate from the employee personnel file. Documentation of the disability and the reasonable accommodations will only be shared on an as-needed basis and within the strictest of confidentiality.

### **Definitions**

As used in this policy, the following terms will be adhered to in relation to the ADA policy.

"Disability" means a physical or mental impairment that substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

"Qualified individual with a disability" refers to a person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position the individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

"Reasonable accommodation" may include a modification or adjustment to a job, the work environment, or the way activities or processes usually occur that enables a qualified individual with a disability to enjoy an equal employment opportunity.

"Essential functions of the job" refers to the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.

### **Requests for Accommodation**

All employees seeking an accommodation of any kind must submit a completed *Employee Request for Disability Accommodation Form* and in certain instances may require the employee submit a current physician statement which includes the required information as stated in the Criteria for Disability Documentation section of this policy. The College may require further testing or evaluation by qualified professionals to verify or further establish the impairment/disability and the need for accommodation. Providing reasonable accommodations for employees with disabilities requires an individual assessment of need. Specific accommodations depend on the nature and requirements of a particular activity and the skills and functional abilities of the employee.

### **Americans with Disabilities Act Employee Accommodation Procedures**

1. Documentation of Disability: When submitting an Employee Request for Disability Accommodation Form, the employee must provide documentation of the disability from an

appropriate health care provider. The employee will be required to sign an *Employee Medical / Health Care Information Release Form*, so that the health care provider can provide the College with the appropriate documentation. (See Criteria for Disability Documentation.)

Upon request, the supervisor will provide a written description of the essential functions of the job, which may include the mental and physical demands of the employee's job.

It is the employee's responsibility to ensure that the medical documentation/information requested is provided.

2. **Temporary Accommodations:** After consultation with the employee and the appropriate supervisor(s) temporary accommodation may be provided pending receipt and evaluation of the documentation of the disability.

3. **Evaluation of Documentation:** Upon receipt of documentation from an employee's health care provider, the Human Resources Coordinator in consultation with the supervisor if necessary and legal services provider will determine whether the employee has a disability as defined by the ADA and if the employee can perform the essential functions of the position, with or without reasonable accommodation.

4. **Final Determination and Notification to Employee:** The College has the authority to make the final determination regarding what accommodation, if any, is appropriate. When a final determination is made, the Human Resources Coordinator will send written notification to the employee of the determination, whether an accommodation has been granted, and if so, will specify what accommodation has been granted. Notification will also be given to the appropriate supervisor(s).

5. **Right to Appeal:** If an accommodation is denied, the employee may submit a written notice of appeal to the Human Resources Coordinator within seven (7) working days of receipt of the written accommodation decision. The President will review the appeal and make the final decision on the matter within seven (7) working days of receipt of the appeal. The President will provide written notice of the final decision. The final decision of the President is not subject to appeal.

### **Responsibilities**

**Employees:** The employee must satisfy the requirements for the job, such as education, employment experience, skills, certificates, or licenses. The employee must also be able to perform the essential functions of the job with or without reasonable accommodation and must maintain institutional standards of performance. Employees who believe they have a disability are responsible for notifying the Human Resources Coordinator and following the procedures outlined in this policy to assure timely provision of accommodations. It is also the responsibility of the employee to document their disability (from an appropriately licensed professional) and to demonstrate how the disability limits their ability to perform the essential functions of their job. (See Criteria for Disability Documentation below)

Supervisors: Personnel serving in supervisory positions are responsible for referring employees requesting or needing accommodation to the Human Resources Coordinator. Supervisors should not offer accommodations to employees. Supervisors remain responsible for evaluating whether or not an employee is able to perform his or her job (with or without reasonable accommodations) just as the supervisor would for any other employee under his or her supervision.

When questions arise as to a specific accommodation, it is the responsibility of the supervisor to contact the Human Resources Coordinator to resolve the matter. The College is not required to make modifications that are not reasonable or would pose an undue financial burden.

### **Criteria for Disability Documentation**

*Based upon Guidelines from The Association on Higher Education and Disability (AHEAD)*

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 provide that qualified employees with disabilities who meet the employment standards of Lurleen B. Wallace Community College are entitled to reasonable accommodations. Under these laws, a disability is defined as any physical or mental impairment that substantially limits a major life activity. Having a history of impairment, or being perceived as having impairment may also qualify one as an individual with a disability. It is the employee's responsibility to disclose his/her needs and provide appropriate documentation to the Human Resources Coordinator. Appropriate documentation is defined as follows:

#### **Health Condition, Mobility, Hearing, Speech, or Visual Impairment**

A letter or report from the treating physician, orthopedic specialist, audiologist, otologist, speech pathologist, ophthalmologist, optometrist (as appropriate) which includes:

1. Clearly stated diagnosis
2. Defined levels of current functioning and any limitations
3. Current treatment and medication
4. Current letter/report (within 1 year), dated and signed
5. Statement of necessary accommodations

#### **Psychological Disorder**

A letter or report from a mental health professional who is impartial and not related to the employee, i.e., psychiatrist, psychologist, neuropsychologist, licensed professional counselor, or clinical social worker which includes:

1. Clearly stated diagnosis based upon current DSM criteria
2. Defined levels of current functioning and any limitations
3. Assessment and evaluation instruments used, observations, history, etc.
4. Current treatment and medication
5. Current letter/report (within 1 year), dated and signed
6. Statement of necessary accommodations



**Traumatic Brain Injury (TBI)**

A comprehensive evaluation by a physician, neurologist, licensed clinical, rehabilitation or school psychologist, neuropsychologist, or psychiatrist which includes:

1. A clear statement of head injury or traumatic brain injury
2. Current impact on employee's functioning and limitations
3. Cognitive and achievement measures used and evaluation results
4. Current residual symptoms and a statement regarding the employee's ability to meet the demands of a postsecondary academic or work environment
5. Current treatment and medication
6. Current letter/report (post-rehab within 1 year), dated and signed
7. Statement of necessary accommodations

**Learning Disabilities (LD)**

A comprehensive evaluation report written in narrative form by an impartial individual not related to the employee, i.e., licensed psychologist, psychiatrist, learning disabilities specialist, licensed professional counselor, educational therapist or diagnostician, which includes:

1. Clearly stated diagnosis of a SPECIFIC learning disability in reading, math, or written language based upon current DSM criteria.
2. Educational/work history documenting the impact of the learning disability
3. Alternative explanations and diagnoses are ruled out
4. Relevant test data with standard scores provided to support conclusions of the measures of intellectual/cognitive/information processing abilities by at least one of the following instruments: (a) WAIS-II or III (b) Woodcock-Johnson Psychoeducational Battery-Revised (c) Stanford-Binet IV (d) Peabody Individual Achievement Test (e) Stanford Test of Academic Skills
5. Statement of the functional impact or limitations of the disability
6. Current report (within 3 years), dated and signed
7. Statement of necessary accommodations

Note: High School IEP, 504 Plan, and/or letter from a physician or other professional will not be sufficient to document a learning disability. The evaluation must be comprehensive.

**Attention Deficit Hyperactivity Disorder (ADHD)**

A comprehensive evaluation report written in narrative form by an impartial individual not related to the employee, i.e., a developmental pediatrician, psychiatrist, neurologist, licensed clinical or educational psychologist, which includes:

1. Clearly stated diagnosis of ADHD based upon current DSM criteria
2. Evidence of early and current impairment in at least two different environments including past and present symptoms
3. Alternative explanations and diagnoses are ruled out
4. Relevant test data with standard scores provided to support conclusions including at least one of the following instruments: (a) WAIS-II or III (b) Woodcock-

- Johnson Psychoeducational Battery-Revised (including Written Language) (c) Behavioral Assessment Instruments and Checklists normed on adults
5. Statement of the functional impact or limitations of the disorder and the degree to which it impacts the individual
  6. Medications prescribed and how they will impact the employee's ability to meet the demands of the postsecondary academic or work environment
  7. Current report (within 3 years of enrollment date), dated and signed
  8. Statement of necessary accommodations

Note: High School IEP, 504 Plan and /or letter from a physician or other professional will not be sufficient to document ADHD. Prescription medication cannot be used to imply a diagnosis.

### **Americans with Disabilities Act - Students**

All programs and facilities are available for eligible students with disabilities. If a student needs any special accommodations, please contact the appropriate ADA Campus Coordinator or the Dean of Student Affairs.

## **INFORMATION TECHNOLOGY RESOURCES**

LBW Community College provides access to computer equipment and resources necessary to support the educational mission of the College. Access to College information systems is granted to students and employees as a privilege and, as such, imposes certain responsibilities and obligations. The purpose of information technology resources is to provide educational resources for the College's students and employees.

### **Acceptable Use Policy**

The College expects all students and employees to use information technology resources in a responsible manner, respecting the public trust through which they've been provided, the rights and privacy of others, the integrity of the facilities, and pertinent laws, College policies and standards, and to limit their use of information resources to the educational purposes and legitimate business of the College. This policy applies to all users of the College's information technology resources including faculty, staff, students, guests, organizations, and individuals accessing external network services, such as the Internet via College facilities. By using the College's information resources, users agree to abide by these policies and procedures.

Violations of this policy may result in suspension or revocation of utilization privileges, administrative discipline, or immediate termination/dismissal of the violator's relationship with Lurleen B. Wallace Community College, and could lead to criminal and civil prosecution. Every member of the College community has an obligation to report suspected violations of the *Acceptable Use Policy for Information Technology Resources*. Reports should be directed to the department responsible for the particular system involved. College

information technology usage policies apply to all users and to all telephones, computer hardware, software, networks peripheral devices, data and any other components connected to or associated with the College's computer systems, including access to the Internet and the use of electronic mail. The College will not be held liable for the actions of the College computer users when those actions are inconsistent with the policies and procedures set forth here.

The College makes no representation concerning the availability of computer resources, the privacy of material, or the integrity and/or retrievability of material placed on these resources. The College is not responsible for any damages resulting from the receipt and/or transmission of any electronic information. Acceptable use of the College's Internet connection provided via the Alabama Research and Education Network (AREN) is also governed by this document. Any activity that is not listed here, which violates local, state, federal laws, or the *AREN Acceptable Use Policy*, is also considered a violation of this *Acceptable Use Policy*.

### **User Responsibilities**

Use of the College's information technology resources is permitted based on acceptance of the following specific responsibilities:

Use only those information technology resources for which you have permission.

Example: it is unacceptable

- To use resources you have not been specifically authorized to use;
- To use someone else's account and password or share your account and password with someone else
- To access files, data, or processes without authorization;
- To access files or data that are not publicly available;
- To purposely look for or exploit security flaws to gain system or data access;
- To obstruct the operation of the College's computer systems;
- To insert inappropriate objects into disk drives;
- To tamper with cables;
- To add or delete files or software without authorization;
- To change computer or network settings without authorization;
- To display or print materials of sexually explicit or discriminatory nature;
- To use information technology to violate any other College policy or procedure;
- To use information technology for illegal or criminal purposes that violate federal, state, or local laws.

Use information technology resources for their intended purpose.

Example: It is unacceptable

- To send forged email;
- To use electronic resources for harassment or stalking other individuals;
- To send bomb threats or hoax messages;
- To send chain letters that may interfere with the system's efficiency;

- To intercept or monitor any network communications not intended for you;
- To use computing or network resources for commercial advertising or other commercial purposes;
- To use computing or network resources for the promotion of other external organizations not related to the mission of the College;
- To attempt to circumvent security mechanisms;
- To use privileged access for other than official duties;
- To use former privileges after graduation, transfer, or termination.

Protect the access and integrity of information technology resources and the privacy of others.

Example: It is unacceptable

- To access or attempt to access another individual's password or data without explicit authorization;
- To access or copy another user's electronic mail, data, programs, or other files without permission;
- To use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language;
- To use threatening, intimidating, or vulgar behavior toward lab assistants, work study students, or staff;
- To continue sending email messages to someone after being told to stop;
- To post derogatory information or statements about a person

Abide by applicable laws and College policies, and respect the copyrights and intellectual property rights of others, including the legal use of copyrighted software.

Example: It is unacceptable

- To make more copies of licensed software than the license allows;
- To plagiarize works that you find on the Internet;
- To upload, download, distribute, or possess pornography;
- To violate copyright laws, including the use of images, programs, sounds, and text.
- To upload, download, or distribute copyrighted materials, including, but not limited to, software, music and movies for which the user does not have permission from the owner to do so.

### **System Administrators Responsibilities**

System administrators and providers of College information technology resources have the additional responsibility of ensuring the integrity, confidentiality, and availability of the resources they are managing. Persons in these positions are granted significant trust to use their privileges appropriately for their intended purpose and only when required to maintain the system. Any private information seen in carrying out these duties must be treated in the strictest confidence unless it relates to a violation of the security of the system.

Although information technology providers throughout the College are responsible for preserving the integrity and security of resources, security sometimes can be breached through actions beyond their control. Users are urged to take appropriate precautions such as safeguarding their account and password and promptly reporting any misuse or violations of the policy.

### **College E-Mail Policy**

The College provides email services to all faculty and staff. The e-mail system, which is an integral component of the College's technological resources, is owned by the College and managed by Instructional and Information Technology for the benefit of the College. The acceptable use of the e-mail system is consistent with the mission of the College. The College reserves the right, if circumstances warrant, to access, inspect, and disclose the contents of messages created, sent, or received using the e-mail system. It is the responsibility of all e-mail account holders to manage the use, message content, and size of their mailboxes.

Guidelines have been established to help faculty and staff members judge the appropriateness of broadcast e-mail when they need to send important information electronically to distribution lists on the exchange server. These are lists designated for specific groups and were created for use on the College e-mail system to easily distribute information that is official or relevant to College business. Currently, these are *everybody*, *Andalusia*, *MacArthur*, and *faculty* groups, but may include others.

**Guidelines for Broadcast E-mail:** It is an appropriate use of e-mail services to distribute timely messages in an environmentally friendly medium. At the same time, many e-mail users would prefer not to receive messages that are of no use to them or that could have been communicated in less intrusive ways. Therefore, please use the narrowest distribution list to find your audience. E-mail to large audiences can also burden the College network, especially when the message is large from inclusion of graphics or attachments.

**Appropriate Subjects for Broadcast E-mail:** Messages that communicate official notices or pertain to College business are appropriate. Examples are, but not limited to:

- Crisis/urgent announcements: natural disaster alerts, mechanical failures, weather closures or delays, crime alerts, health alerts, server maintenance.
- Logistics announcements: construction closures; traffic routing; environmental alert notices; and security announcements.
- Major policy and procedural changes that must be communicated quickly.
- Financial and administrative announcements (e.g., budget deadlines, purchasing deadlines, and personnel notices).
- Registration information and academic announcements/deadlines.
- Campus events sponsored by officially recognized College organizations may be publicized through broadcast email.

**Inappropriate Subjects for Broadcast E-mail:** Messages that are of a personal nature or content are not appropriate. Examples are, but not limited to:

- Commercial use (e.g., selling a car; renting a cottage; offering music lessons).
- Any message that supports a personal affiliation, view, or belief that is of a political or religious nature.
- Fundraising, except by or for officially recognized College organizations.
- Chain letters: any message which requests that the recipient forward it to others.

**Unacceptable Use of the E-mail System:** Unacceptable use of the e-mail system puts both the offending individual and the College at risk. Unacceptable use of the e-mail system includes, but is not limited to:

- Use of the College's e-mail resources for personal monetary gain or for commercial purposes that are not directly related to College business.
- Use of e-mail to harass or intimidate others or to interfere with the ability of others to conduct College business.
- A user sharing his or her password information with another person. A user should change his or her password if there is reason to believe that the password is known by other persons.
- Spamming - sending unsolicited material and/or material not related to the College's mission to a large number of individuals and/or groups.
- Spoofing – constructing an e-mail communication so it appears to be from someone else.
- The willful introduction of computer viruses or other disruptive/destructive programs into the network.
- Sending copies of documents or inclusion of the work of others that are protected by copyright laws into e-mail communications.
- Attempting unauthorized access to e-mail or attempting to breach any security measures on any e-mail system, or attempting to intercept any e-mail transmissions without proper authorization.
- Use of e-mail systems for any purpose restricted or prohibited by federal, state, or local laws or regulations.
- Political solicitations.

### **Consequences**

Illegal acts involving computing resources may also be subject to prosecution by local, state, or federal authorities.

### **Information Security Program**

Information Security is the subject of many state and federal laws. These laws and regulations create an emerging legal standard for obligations on the part of Lurleen B. Wallace Community College (LBWCC) to protect the data we collect, store, process, use, and disclose. Also, these laws affect how we handle personal information, which includes sensitive health and financial data.

Today information security is necessary to protect not only the College, but also homeland security. Institutions of higher education, like LBWCC, must also be protected from cyber-attacks. Any Information Security Program (ISP) should be designed to protect information and critical resources from a wide range of threats in order to ensure continuity, minimize risk, and ensure the availability of information.

In an effort to set safeguarding standards the Gramm-Leach-Bliley Act directs that all financial institutions implement an Information Security Program and designate a program coordinator.

***The Lurleen B. Wallace Community College Information Security Program is available on the College website in the “Publications” section at <https://www.lbwcc.edu/about-lbwcc/publications>.***

## **COMPUTER SYSTEM**

### **Weekly Scheduled Backups:**

#### iSeries Power 7 Alliant Data Backup:

The BRMS backs up the Administrative Computing System (Alliant). The backups begin at 12:00 a.m. and are performed every weeknight Monday through Friday. Backups on Monday through Thursday perform incremental backups. The Friday back up performs a full back up.

#### iSeries Power 7 Backups:

Power 7 backups which include all operating system files and Alliant data files and libraries are backed up quarterly to a tape that is stored in the business office fire vault. The previous back up is stored off-site.

#### Tivoli Backup System – Windows Servers

Tivoli Storage Manager is software that runs on a Linux partition on our iSeries (IBM Power 7) system. Its purpose is to back up Windows and Linux servers.

TSM backs up the various servers first to hard drive storage so it can get them done quickly. Then it moves the backed up data to tape for longer term storage. TSM allows for granularity of restores by allowing you to restore just one file or a complete server. TSM is more efficient than other methods because it does a full back up the first time it backs up a server and afterwards it does incremental backups. This allows backups to be quick. And the TSM database allows file restoration to be easy because it knows what tapes it needs to restore any files.

Tivoli Storage Manager recently had a name change and is now called IBM Spectrum Protect. IBM Spectrum Protect offers integration with Hyper-V and VMware as well as file, block and object data protection.

Multiple servers from all campus locations are backed up nightly on staggered schedules. Again, these backups are initially created as a full back up on the Tivoli System and then incremental files are backed up beginning at 12:00 a.m. nightly Tuesday through Saturday.

**Force or Unscheduled Backup:**

A forced Full System backups are done based on the following:

- Power 7 (AS/400) Operating System Upgrade
- Emergency of Bad Weather (Hurricanes)

Note: Full backups contain all College data and programs which can be loaded on another IBM Power 7 (AS/400) for normal operations. A Full System back up contains all College data and libraries plus a copy of the Power 7 operating system. This type of back up would be used to re-load to a new Power 7 if the current system was damaged.

**Off-Site Backups**

Solutions Team: (Off-Site backup of Power 7 – Alliant Data)

Data400 Library is backed up daily for incremental changes at 5:00 a.m. A complete back up is completed every Friday at 11:00 p.m. Also some of the critical file folders from our file server FS03 are backed up as well.

***Locations of Tapes:***

The backups for the Power 7, which are full backups of the system, are stored in the Business Office vault on the Andalusia Campus. All daily backups of the AS400 are stored in a secured location in the Computer Center. In the event of an emergency or bad weather, a copy of the tape for the Power 7 and servers will be on-site in the business office and off-site in our safety deposit box.

***In Case of a Major Disaster:***

In the case of a major disaster resulting in the loss of main hardware, LBWCC would have two copies of the administrative software and critical data on file servers. An on-site copy and an off-site copy provided by the Solutions Team. A contractual agreement with the Solutions Team to provide Online Data Backup – Disaster Recovery was entered into on October 1, 2010. The details of this plan are in the Office of the Associate Dean of Instructional and Information Technology. The actual process for this backup is defined in the section above under nightly backups.

**INSTITUTIONAL DATA/REPORTS**

Requests for institutional data or reports may be made by submitting an email to the Office of Institutional Effectiveness and Quality.

**INTELLECTUAL PROPERTY POLICY**

The College defines intellectual property as works, discoveries, or findings that are intellectual or creative in nature.

**Employees**

The following policy applies to all full-time and part-time faculty and staff, as well as to individuals who have contracted with the College to perform services:



LBWCC owns all intellectual property, including but not limited to any copyrighted, trademarked, or patented works that are fully or partially created by employees on institution time or with the institution's resources, such as equipment, facilities, and supplies. Revenue generated from the sale or distribution of such intellectual property belongs to the College.

The employee retains the rights to any copyrighted, trademarked, or patented works that are not created on institution time or with the institution's resources. Employees who anticipate creating a piece of intellectual property on their own time shall submit a completed *Notification of Secondary Employment* form prior to beginning work in order to avoid potential conflicts over ownership rights of that material.

### **Students**

The following policy applies to all full-time and part-time students:

Ownership of any intellectual property created by a student enrolled at the College such as written compositions, musical scores, sculptures, paintings, photographs, films, audio or video recordings, and computer software, shall be vested in the student unless the student has created this intellectual property in the course of employment by the College. Students who are employed by the College (e.g., tutors, Work Study students) are subject to the employee policy noted above.

When a student submits work as a course requirement, the College is granted a perpetual, royalty-free license by the submitting student to make copies of the work and to distribute copies to faculty, staff, or students for administrative and educational purposes.

The College and its students recognize that some intellectual property may arise or be developed by students from interaction with the instructor and other students. Under those circumstances, the intellectual property may not be the exclusive property of the student.

When a student's work has been accepted for publication by a journal or a publisher, absent an agreement to the contrary, the work becomes the property of the publisher.

### **Resolution of Disputes**

In cases where ownership of intellectual property is uncertain, the President will establish an *ad hoc* committee to review the details of the case and make a final determination regarding rights to the material.

### **KEYS**

Requests for receipt of keys should be submitted through the Business Office, which is designated as the College's key custodian. A *Key Check-Out Form* must be completed and signed by both the employee and supervisor/division chair.

## LIVE WORK

Live work is performed by students, under the supervision of an instructor, as part of their vocational/technical training program. The work project is for service, repair, or production jobs related to the instructional program and may be performed in the school or on a job site. Live work projects are conducted for the education of the student, not as a benefit to the eligible person or organization. LBW Community College will not compete with private industry, or profit from live work projects.

The following individuals and organizations are eligible recipients:

1. Tax supported programs and institutions,
2. Public employees, active and retired,
3. Students in ACCS institutions,
4. Charitable organizations.

Live work can occasionally be conducted for individuals or organizations other than those listed, provided:

1. Such live work is not designated for competition with private enterprises.
2. The circumstances involved are unusual and justify the acceptance of the live work project.
3. The instructor justifies in writing why the live work is necessary for the training program and receives approval from the President.

Administration and control of live work is the responsibility of the President. In addition, the President is responsible for the determination and collection of all charges and maintenance of appropriate records. These responsibilities are delegated to the Chief Financial Officer. State prescribed and approved accounting procedures will be followed.

Internal control of live work projects requires a system that includes a work order, *Internal Audit Report*, institutional policies for administrating live work projects, and guidelines for purchases for resale. The work order should be printed in sufficient copies and numbered consecutively to provide internal control. The terms of payment and a statement releasing the College from liability must be printed on all copies of the work order. A work order must be assigned to each project and signed by the customer prior to beginning the work.

College personnel are to review the status of work projects in order to determine compliance with the goals of the instructional program, institutional procedures, and the policies of the Alabama Community College System Board of Trustees.

1. Service charge for live work is the cost plus 20% and in no case shall the total charge be less than \$5.00.

Cosmetology services are provided to the public with a schedule of charges established by the Cosmetology Department.

Purchases for resale on live work projects must follow the same procedures as other expense items; however, each purchase must be referenced by placing the work order number on the

invoice and the invoice number on the work order. This procedure establishes an audit trail when purchasing for resale.

To avoid competition with private enterprise, live work is restricted as follows:

1. Live work will be done only when it is essential to training and necessary for the acquisition of occupational skills leading to employment.
2. Live work will not be performed when there is any connection with or relation to the making of a financial profit by a program, organization, institution, or individual.
3. No person shall use the College for personal gain or profit.

The customer contacts the instructor concerning the work to be done. The instructor determines if the work is eligible and if it is beneficial to training. If the work does meet these requirements, the instructor places the customer on a waiting list.

When the instructor is ready to begin work, he will notify the customer to bring in the job and ask the customer to sign a work order for work to begin.

The instructor purchases materials as needed and charges them to the job by the invoice number. If the cost of supplies and repairs reaches an amount the instructor judges to be greater than the value of the item, the instructor may require that the customer pay a monetary deposit before further work is performed.

## **PARKING/TRAFFIC REGULATIONS**

*LBWCC's policy on Parking/Traffic Regulations can be found in Section 10 of this Policies and Procedures Manual.*

## **PERFORMANCE IMPROVEMENT PLAN**

LBWCC has adopted the use of a *Performance Improvement Plan (Plan)* as a formal process to be used by supervisors to assist employees when an employee's performance does not meet acceptable standards or when an employee's behavior requires modification. The *Performance Improvement Plan* identifies performance and/or behavioral issues requiring correction or modification and creates a written plan of action to guide the improvement or corrective action process. The *Plan* is not intended to replace the annual employee evaluation process. The *Plan* may be used as a supplement to the annual employee evaluation or it may be used at any time during the year as a process for correcting a stand-alone situation or behavior that was not reflected at the time of the annual employee evaluation.

The *Performance Improvement Plan* is a structured communication tool designed to facilitate constructive discussion and action between the supervisor and the employee. The use of the *Performance Improvement Plan* will provide clear documentation of the deficiencies and/or unacceptable behaviors, the required improvements and methods of improvement, the available resources to support the improvements, the timeline for improvements, and the communications between the supervisor and the employee relative to the issues described within the plan.

The *Performance Improvement Plan* is not intended to serve as a disciplinary measure but rather as a process for improvement or reinforcement. For that reason, supervisors may maintain the *Plan* in their supervisory file without a copy of the *Plan* being placed in the employee's personnel file. Should the *Plan* result in a correction of the deficiencies, the *Plan* is not required to be placed in the employee's personnel file.

However, should the *Plan* not result in correction or should the supervisor, the administrator for the functional area, or the Senior Personnel Officer determine that the reason for the *Plan* justifies initial placement in the personnel file, the *Plan* will become part of the employee's personnel file. In circumstances when a *Performance Improvement Plan* was successfully completed and not included in the employee's personnel file but the correction is not maintained and a follow-up *Performance Improvement Plan* is required, the new *Plan* and all prior *Plans* concerning the same areas of deficiency will be placed in the employee's personnel file.

Supervisors are encouraged to work with the Senior Personnel Officer prior to creating a *Performance Improvement Plan*.

## **PRINTING OF COLLEGE MATERIALS**

To present a consistent image among all departments and divisions of the College, it is important that uniform formats, styles, colors, and paper stocks be used in printing of College materials. To assure uniformity in presentation of the College's image, certain guidelines are to be followed.

Procedures include:

1. All publications of the College, including program brochures and flyers, will be developed in cooperation with the Director of Marketing and Development prior to distribution to the public or posting on campus.
2. All letterhead and envelopes will be printed in the same format, style and color, and on the same paper stock.
3. All business cards will be printed using identical formats.

The Marketing Department is responsible for proofing, printing, and delivery of publications, including electronic based (Internet) information, and will provide assistance with preparation of printed materials, when needed.

## **PUBLICATIONS**

All College publications are reviewed by the Marketing Department for consistency of message and accuracy of image.

## **PUBLICITY AND NEWS RELEASES**

All news releases or statements made on behalf of the College to the media are to be handled through the Marketing Department. In order to protect the public image of the College and

ensure unified messaging, all College employees will notify the Public Information Officer regarding media requests for interviews, quotes or soundbites on behalf of the College, or background information on a particular topic.

Information for any event (registration, GED testing, program promotion, student honors or recognition, etc.) to be publicized in area newspapers or aired on broadcast media should be submitted to the Marketing Department for review and approval prior to distribution. Employees should be conscious of allowing the necessary "lead time" when making requests for media coverage or attendance of Marketing Department personnel at events.

This procedure will aid in getting the proper information released to the College service area in a timely and efficient manner.

**Crisis Communications:** During any crisis situation, whether due to a natural disaster or man-made, only the President (or a designee) and the Public Information Officer are authorized to release information to the media and the public. All other employees should be professional and helpful to the media by connecting them with the designated spokesperson, but will not provide any information during a time of crisis. All comments should be coordinated, guided by professionalism and transparency, and serve to mitigate the crisis while maintaining the College's integrity.

## **PURCHASING PROCEDURES**

Standardized forms for requisitions are available in the copier room on the Andalusia Campus and in the Business Office at the other College locations. The employee prepares the *Requisition Form* and submits the completed form to their immediate supervisor or budget manager for approval. The supervisor submits it to the appropriate administrator for processing to the Business Office.

When approvals have been made, a purchase order number is assigned. Purchase orders are prepared and copies are distributed to the vendor, the Business Office, and the requester. When the order is received, the person who requested the order will sign and date the invoice or packing slip signifying that the order has been received and in good condition. The signed invoice or packing slip is then returned to the Business Office to be matched with the approved purchase order and vendor invoice. Once this is done the invoice is processed for payment.

Requisitions that are not approved are returned to the requester with a note stating the reason it was not approved.

### **Receipt of Purchases**

The designated central receiving point for equipment, large bulk items and items not intended for sale in the College bookstore is the Switchboard/copier room on the Andalusia Campus and the Business Office at the other College locations.

## **RESTROOM/LOCKER ROOM USE POLICY**

All Lurleen B. Wallace Community College restrooms and locker rooms are designated separately for women or men unless otherwise posted. Any individual using a restroom or locker room designated for the other biological sex shall be subject to discipline. For individuals with exceptional circumstances or privacy concerns, a single use/unisex restroom is available on each of our campuses. On the Andalusia Campus, unisex restrooms are located in the Child Development Center building, the Forestry building, and the building that houses the athletics concession stands. On the MacArthur Campus, unisex restrooms are located Building F, Building I, the Nevin building, and within several laboratories of the technical instructional programs. On the Greenville Campus, unisex restrooms are located in the Conference Center building. A unisex restroom is also located in the Luverne Center.

## **SAFETY AND EMERGENCY PROCEDURES**

*LBWCC's Safety and Emergency Procedures can be found in Section 10 of the LBWCC Policies and Procedures Manual.*

## **SERVICES FOR EMPLOYEES**

### **Mail Services**

Business Office/Switchboard personnel will distribute mail to all appropriate employee mailboxes on each campus. Outgoing College mail will be processed by College personnel, who will use the College postage meter located on the Andalusia and MacArthur campuses and will utilize stamps on the Greenville Campus and at the Luverne Center.

### **Notary Public**

Services of a notary public for official College business is provided at no cost in the Business Offices, President's Office, and the Human Resources Office of Lurleen B. Wallace Community College.

## **SEXUAL MISCONDUCT POLICY**

### **Introduction and Commitment**

Lurleen B. Wallace Community College is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect and is free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Lurleen B. Wallace Community College does not condone any form of sexual misconduct whether physical, mental, verbal, or emotional in nature. Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking directed toward an individual based on their sex. Sexual misconduct by any member of the College community including students, faculty, employees, or staff is unacceptable and shall not be tolerated by any of the institutions that comprise the Alabama Community College System.

It is the policy of Lurleen B. Wallace Community College that no student or employee may threaten the health and safety of a member of the College community, of any person on College property, or at a College sponsored or supervised activity, through gender-based discrimination, sexual misconduct, and violence. A non-discriminatory environment is essential to the mission of the Alabama Community College System. In order to create a safe and healthy environment, it is the responsibility of faculty, staff, and students to report any sexual misconduct to College officials. If there is reason to believe the College's policies prohibiting sexual misconduct have been violated, the College may pursue the matter as misconduct warranting disciplinary action by the College, even if law enforcement authorities choose not to prosecute.

**Inquiries concerning discrimination on the basis of sex should be directed to:**

Title IX Coordinator  
Jason Jessie  
Dean of Student Affairs  
[jjessie@lbwcc.edu](mailto:jjessie@lbwcc.edu)  
(334) 881-2245  
Jeff Bishop Student Center, Andalusia Campus

Office of Civil Rights  
U.S. Department of Health and Human Services  
Sam Nunn Atlanta Federal Center, Suite 16T70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8909  
(800) 368-1019

If, after exhausting all available institutional processes, a student's complaint remains unresolved, the student may appeal to the Alabama Community College System. Information regarding student complaints to the Alabama Community College System can be found at: <https://www.accs.edu/student-complaints/>.

**Relevant Definitions**

**Sexual Misconduct**

Sexual misconduct includes all conduct that is considered sexual harassment, sexual assault, sexual exploitation, intimate partner violence (dating and domestic violence), and stalking. Sexual misconduct creates a threatening, intimidating, and coercive environment. Sexual misconduct includes, but is not limited to:

- a. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is not in a state that enables them to give consent.
- b. Any obscene or indecent behavior that includes, but is not limited to, exposure of one's sexual organs, or a display of sexual behavior that could be reasonably deemed offensive to others.

- c. Any lewd, hostile, or intimidating comments of a sexual nature used to create an offensive environment.

### Sexual Consent<sup>1</sup>

For the purposes of this policy, consent is defined as a clear willingness to participate in the sexual act. Inability to give consent includes, but is not limited to, situations where an individual is:

- a. Under the influence of alcohol, drugs, or other substances including, but not limited to, prescription medication.
- b. Unconscious, asleep, ill, or in a state of shock.
- c. Under the age of consent as defined by the jurisdiction in which the act occurred, which in Alabama is less than 16 years of age.
- d. Mentally or physically impaired and not reasonably able to give consent.

Consent to a sexual act is not freely given if the individual is not able to give proper consent, or if consent is obtained by force, threats, deception, or coercion. A lack of resistance does not grant consent. Previous consent does not grant consent to future sexual acts. Consent can be withdrawn if demonstrated in a clear communication through words or actions.

Determining consent when alcohol or other drugs are involved: In incidents involving alcohol, drugs, or other substances, the totality of the circumstances are analyzed to determine whether the use of alcohol, drugs, or other substances caused an inability to give consent. Some factors considered to determine whether an individual is under the influence of alcohol, drugs, or other substances and therefore, not able to give consent include but are not limited to: the use of force or threat of force, whether the complainant was conscious or unconscious, whether the complainant became sick due to intoxication, the complainant's ability to communicate and/or slurred speech, the complainant's coordination (i.e., ability to walk, dress/undress, perform simple tasks), and any other action that would be indicative of a level of cognitive functioning.

### Sexual Assault<sup>2</sup>

Sexual assault is defined as any form of sexual contact without the consent of all parties involved, to include:

- a. Sexual intercourse committed by physical force, coercion, threat, or intimidation, actual or implied, by a person or persons known or unknown to the victim;
- b. Attempted intercourse, sexual contact, or physical force of a threatening nature expressed or implied that places a person in fear of immediate death or physical injury known or unknown to the victim; or
- c. All other forms of sexual misconduct that violate state and/or federal law, now or subsequently in effect, including, but not limited to, conduct defined as rape, sodomy, sexual abuse, or sexual contact and contributing to the delinquency of a minor.

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<sup>1</sup> The definition of consent under Alabama criminal law is similar to this policy's definition in that it requires express or implied acquiescence. See AL Code § Section 13A-6-70, set forth in Appendix A to this policy.

<sup>2</sup> Sexual assault encompasses several crimes in the State of Alabama, including rape, sodomy, sexual abuse, indecent exposure, and others. See offenses in ALA Code § 13A-6-20 through 25, §13A-6-60 through 70, and §13A-6-80 through 83. For the full text of these type of offenses, see Appendix A.



### Sexual Contact

Sexual contact means any touching or attempted touching of the sexual or other intimate parts of a person, done for the purpose of gratifying the sexual desire of either party or for the purpose of harassing, intimidating, or threatening a person.

### Sexual Harassment

Sexual harassment includes unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of employment or academic standing; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an employee or student or creating an intimidating, hostile or offensive working or learning environment.

Examples of sexual harassment may include, but are not limited to:

- Sexually explicit statements (can be verbal or written);
- Unwanted touching;
- Unwanted staring in a sexual manner;
- Displaying of sexually graphic materials;
- Inappropriate references to gender;
- Sexual exploitation; or
- Offers for or demands of sexual activity in exchange for perceived benefits.

### Sexual Exploitation

Sexual exploitation is taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or to benefit a person other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

- Causing or attempting to cause the incapacitation of another individual;
- Electronically recording, photographing, or transmitting sexual sounds or images of another individual;
- Allowing a third-party to observe sexual acts;
- Engaging in voyeurism; or
- Knowingly transmitting a sexually transmitted disease/infection or HIV to another individual.

### Intimate Partner Violence (Dating Violence and Domestic Violence)<sup>3</sup>

Intimate partner violence is abusive behavior with the use of threats and intimidation through physical, emotional, verbal, or other abuse in an attempt to exert power and control over a current or former partner. Domestic violence is committed by a current or former spouse/domestic partner of the complainant or an individual who shares a child in common with the complainant. Dating violence is committed by an individual who has or had a dating or

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<sup>3</sup> Domestic violence is a crime in the State of Alabama. Applicable offenses under Alabama State law include ALA Code § 13A-6-130 through 139. For the full text of selected offenses, see Appendix A

engagement relationship with the complainant. The existence of a dating relationship is determined by: (1) the reporting party's statement, (2) the length of the relationship, and/or (3) the type of the relationship, and the interaction of the individuals involved in the relationship.

Conduct that may be considered intimate partner violence includes, but is not limited to:

- Exhibiting control over a partner's actions through verbal or physical threats/violence;
- Attempts to isolate a partner from current or prior relationships (romantic or not romantic);
- Blaming of others for the abuse; or

### Stalking<sup>4</sup>

Stalking is an intentional and repeated course of conduct directed at a particular individual because of his/her gender causing a reasonable person to experience fear or emotional distress. Stalking may be direct communication/interaction between the complainant and respondent or through a third party or medium such as letters, email, text messages, telephone, social media, or friends. Stalking that is not gender-based may be a violation of other College policies.

Conduct that may be considered stalking includes, but is not limited to:

- Following;
- Lying in wait;
- Excess communications; or
- Threats to the individual or threats to the individual's family, friends, or property

### 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

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<sup>4</sup> Stalking is a crime in the State of Alabama. Applicable offenses under Alabama State law include ALA Code § 13A-6-90 through 94. For the full text of selected offenses, see Appendix A.

- 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 911.

### **Seeking Help, Reporting & Health Care Options**

Lurleen B. Wallace Community College takes allegations of sexual misconduct very seriously and is committed to taking immediate action. The College encourages students who have experienced any form of gender-based discrimination and/or sexual misconduct to report the incident promptly, to seek all available assistance, to pursue *Student Code of Conduct* charges, and where appropriate, pursue criminal prosecution of the offender.

Individuals who believe that they are targets of sexual misconduct in their working and academic environments are encouraged to seek immediate assistance from appropriate College officials (outlined below) or local law enforcement.

College personnel can assist the victim in notifying law enforcement authorities, if the victim so chooses. The victim may decline to notify authorities. Victims have the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.

**If you have a life-threatening emergency, DIAL 911 or go to the nearest hospital emergency room. If using a campus phone, DIAL 9 911.**

#### Title IX Coordinator

Title IX Coordinator  
Jason Jessie  
Dean of Student Affairs  
[jjessie@lbwcc.edu](mailto:jjessie@lbwcc.edu)  
(334) 881-2245  
Jeff Bishop Student Center, Andalusia Campus

#### Campus Counselors

Campus counselors can provide immediate confidential response in a crisis situation whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.

- Andalusia
  - Jeff Bishop Student Center
    - (334) 881-2271
- Opp
  - Building A – Administration Building
    - (334) 493-5333
- Greenville
  - Student Services Building
    - (334) 383-6704

#### Local Law Enforcement

- Andalusia Police Department
  - 911
  - (334) 222-1155
- Opp Police Department
  - 911
  - (334) 493-4511
- Greenville Police Department
  - 911
  - (334) 382-7461
- Luverne Police Department
  - 911
  - (334) 335-3334

#### Local Hospitals

- Andalusia
  - Andalusia Regional Hospital
    - (334) 222-8466
- Opp
  - Mizell Memorial Hospital
    - (334) 493-3541
- Greenville
  - L.V. Stabler Memorial Hospital
    - (334) 382-2671
- Luverne
  - Crenshaw Community Hospital
    - (334) 335-3374

### 24-Hour Crisis Services

- Alabama Domestic Violence Hotline
  - 1-800-650-6522
- Local Domestic Violence Services
  - (334) 493-2320
- National Domestic Violence Hotline
  - 1-800-799-7233

### Additional Resources

- Alabama Sexual Assault: Where To Get Help
  - <http://www.aardvarc.org/rape/states/alrp.shtml>

In the event that sexual assault or violence occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Complaining parties should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed; but if they are, bring all the original clothing to the hospital in a paper bag, as plastic bags may damage the evidence.

When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after the medical examination.

### Complaint Procedure

Any member of the College community who believes that he or she has been the victim of sexual discrimination, as defined previously, may bring the matter to the attention of any academic or administrative officer, Dean, Associate 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 appropriate College official, who has been designated by the President to coordinate the investigation of such complaints. At LBWCC the designated College official for complaints involving students is the Title IX Coordinator; all other complaints shall be directed to the Senior Personnel Officer. College employees have an obligation to report any suspected sexual misconduct. The President of the institution shall be promptly notified of the complaint. The President must be kept informed regarding the progress and results of the investigation of the complaint. Employees should refer to the Complaint Procedures located in Section 7 of the LBWCC Policies and Procedures Manual and students should use the *LBWCC Student Grievance Form* for reporting purposes.

### Student Procedure

Once a complaint of sex discrimination is made, an investigation of the report shall be pursued within seven calendar days. To ensure a prompt and thorough investigation, the complainant should complete the *LBWCC Student Grievance Form* and provide as much of the following information as possible:

- The name, department, and/or position of the person or persons allegedly causing the sex discrimination (which includes: sexual misconduct, sexual violence, and harassment) or retaliation;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The names of other students or employees who might have been subject to the same or similar sex discrimination or retaliation;
- Any steps the complainant has taken to try to stop the sex discrimination or retaliation; and
- Any other information the complainant believes to be relevant to the sex discrimination, harassment, or retaliation.

An investigation into the report shall be conducted. The Title IX Coordinator will assign investigators. All investigations will be conducted by at least two investigators who have received appropriate training approved by the Title IX Coordinator. This may include but is not limited to the Title IX Coordinator, or other appropriate LBWCC employees. The investigation shall be concluded as quickly as possible, typically within seven calendar days or within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner so that it is adequate, reliable, and impartial.

The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.

Parties to the complaint may present witnesses and other evidence. At any time during the investigation, the investigators may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate LBWCC officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, temporary suspension, or making alternative, classroom, workplace, or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation(s) of the *Student Conduct Code*.

Once the investigation is concluded, a written investigative report shall be submitted to the Title IX Coordinator within three (3) days. The investigation report is a written report describing the factual findings gathered from the investigation with description of all the interviews and any other documents reviewed. The Title IX Coordinator will determine whether further action is needed pursuant to LBWCC policy and/or state or federal law, and respond accordingly. If further action is deemed necessary an informal resolution process or disciplinary procedures will be initiated.

LBWCC shall take reasonable steps to prevent the recurrence of sex discrimination or retaliation in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to disciplinary action under the *Student Conduct Code* or *LBWCC Policies and Procedures Manual* if the person is an employee or third party.

If, after exhausting all available institutional processes, a student's complaint remains unresolved, the student may appeal to the Alabama Community College System. Information regarding student complaints to the Alabama Community College System can be found at: <https://www.accs.edu/student-complaints/>.

### **Sexual Violence Consideration and Rights**

Consideration and rights to be afforded to all campus community members who are victims of sexual assault:

1. The right to have all sexual assaults against them treated with seriousness and the right to be treated with dignity.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurs and the right to the full and prompt cooperation and assistance of campus personnel notifying the proper authorities.
3. The right to be free from pressure that would suggest that the victim not report crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials or to report crimes as lesser offenses than the victim perceives them to be.
4. The right to be free from suggestions that sexual assault victims not report or under-report crimes because:
  - a. victims are somehow "responsible" for the commission of crimes against them;
  - b. victims were contributorily negligent or assumed the risk of being assaulted or
  - c. by reporting crimes they would incur unwanted personal publicity.
5. The right to the full and prompt cooperation from campus personnel in responding to the incident.

Consideration and additional rights will be afforded to campus community members who are victims of sexual assaults which occur on College property. After campus sexual assaults have been reported, the victims of such crimes shall have:

- a. the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact or proximity with alleged assailants; including changes to academic and working situations if requested and reasonably available, whether or not a formal report is made.
- b. the right to be informed of the disciplinary proceedings as well as the outcome of such proceedings and
- c. the same right to assistance or ability to have others present which is afforded to the accused during any campus disciplinary proceedings.
- d. the right to the same appeal process which is afforded to the accused.

### **Student Disciplinary Action**

In addition to any criminal or civil actions which may be pending or in process, the College reserves the right to pursue separate disciplinary action. Upon completion of an investigation, the Title IX coordinator may initiate disciplinary procedures. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and LBWCC reserves the right to impose different sanctions ranging from written warning to expulsion, depending on the severity of the offense. Policies and procedures contained in the *College Catalog* and *Student Handbook* or in the *LBWCC Policies and Procedures Manual* will be followed in all disciplinary procedures.

### **Disciplinary Procedure**

Students are guaranteed procedural and substantive due process in all cases involving formal discipline charges. The College also assures each student that no disciplinary action is taken on grounds that are not supported by substantial evidence. Any case involving violation of published policies and regulations in this catalog will be brought to the immediate attention of the Dean of Student Affairs.

1. Charges of disciplinary nature may be referred against a student by a fellow student or members of the administration, faculty, or staff. The individual(s) preferring the charge must do so in writing to the Dean of Student Affairs.
2. The Dean of Student Affairs will notify the student of the charges against him/her. (This initial notification may be verbal in nature.) If the Dean of Student Affairs deems that the presence of the student(s) poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, student(s) may be temporarily or indefinitely suspended. In this case a hearing will be held within 72 hours of the student's removal.
3. Depending on the circumstances, the Dean of Student Affairs may discuss the case with the student(s) and may arrive at a mutually satisfactory conclusion of the matter. If a satisfactory conclusion is not reached, the Dean of Student Affairs will appoint a Student Disciplinary Committee.
4. The Dean of Student Affairs will notify the student(s), in writing, of the charges and provide the date, time, and location of the Student Disciplinary Committee hearing.
5. The chair of the Student Disciplinary Committee will submit the official findings of the committee to the Dean of Student Affairs.
6. The Dean of Student Affairs will notify the student(s), in writing the results of the findings of the Student Disciplinary Committee.

### **Students Rights**

The student does not forfeit any constitutional rights upon entrance into the student body of the College. The student does agree to abide by the College's rules, regulation, policies, and the *Student Code of Conduct*.

The student may have one person present to serve as counsel at the hearing for advisement only. Counsel will not have the right of cross-examination. The student's refusal to answer questions shall not be construed as admission of guilt.



A Student Disciplinary Committee hearing may be requested by a student; to review a decision made by institutional personnel whom the student feels is a violation of the right to due process. The student has the right to appeal the Student Disciplinary Committee's decision through procedure described under "Process for Right of Appeal" herein.

The Student Disciplinary Committee shall have the equal function of safeguarding the rights of students and maintaining a climate of integrity and safety for all members of the College community.

### **Students Disciplinary Committee Composition and Responsibilities**

The Student Disciplinary Committee shall have the equal function of safeguarding the rights of students and maintaining a climate of integrity and safety for all members of the College community.

1. The Committee shall consist of two faculty members, one Student Services professional, one student, and a chair.
2. The Committee members shall be appointed by the Dean of Student Affairs. The members shall serve for the hearing of one case and may be reappointed to serve on subsequent committees. The student representative will serve in the same manner as the faculty members. The chair will provide and shall cast a vote only when necessary to break a tie. Any committee member who has any personal interest or special information concerning the case will be disqualified from the case. A replacement shall be appointed by the Dean of Student Affairs.
3. The Committee shall maintain an adequate record of the history and disposition of each case. The record shall include a summary of the evidence upon which the Committee based its decision.
4. The decision of the Student Disciplinary Committee will be reached by majority vote.
5. A finding of the facts, decisions, and recommendations of the Student Disciplinary Committee shall be forwarded to the Dean of Student Affairs.
6. The Dean of Student Affairs will immediately notify the student of the Committee's findings and provide information on the course of any appeal.

### **Process for Right of Appeal**

The Dean of Student Affairs shall be the final authority in the appeal process. The student may file a written request with the Dean of Student Affairs asking that Lurleen B. Wallace Community College review the decision of the Student Disciplinary Committee. The written request must be filed within five days (excluding Saturdays, Sunday and holidays) of official notification of the Committee's findings. No new evidence will be admitted in the appeal process. The Dean of Student Affairs will then make an independent decision based on all information. The Dean of Student Affairs will notify the student of that decision which is final.

### **Standards 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 the guilty beyond reasonable doubt, which is the standard for criminal cases.

### **Retaliation**

The College takes steps to ensure that students are safe and not subject to further harassment or retaliation. Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The College strictly prohibits retaliation against any person for making a good faith report or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination. A student found responsible for retaliation will be sanctioned as outlined in the *Student Code of Conduct*.

### **Confidentiality**

Lurleen B. Wallace Community College will protect the confidentiality of victims of sexual assault, including the protection of any identifiable information of victims in records that may be accessed by the public, to the extent permissible by federal and state laws. To the extent possible, the College will make every effort to maintain the privacy of all parties involved in alleged sexual offenses, relationship violence, harassment, and stalking incidences. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Privacy, however, cannot be guaranteed in some incidences due to the responsibility to the overall campus safety.

### **Mandated Reporter (LBWCC Employees)**

A Mandated Reporter is any employee of the College who becomes aware of an act of sexual harassment (including sexual misconduct) or behavior which could be characterized as sexual harassment, when perpetrated against a faculty, staff, student or visitor of the College.

#### **Exceptions**

Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication.

This also means that the employee seeking the exemption is employed by the College for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the information is not learned in the course of confidential communication (i.e., behavior is observed in class) then the employee has the same obligation as a Mandated Reporter.

**Required Training**

Federal regulations require all employees to be trained on institution Title IX policies and procedures. New employee orientation should include Title IX information. All employees are required to complete annual training on Title IX policy and responsibilities as a mandated reporter. Employees should successfully complete Title IX trainings by October 1 each year. Human Resources is responsible for facilitating and monitoring Title IX training for employees.

**In response to an incident, Mandated Reporters should:**

- Assess safety and need for emergency response.
  - In emergency situations, where a person's health or safety is in immediate danger, please call 911.
- Explain that you are not a confidential contact.
  - You are required to report information you obtain about an incident. All conversations should be considered private, but you cannot guarantee confidentiality to someone. Those mandated are required to report any sexual harassment to the Title IX coordinator.
- If a person begins talking about an incident with no warning:
  - Interrupt immediately (but nicely) and inform the person that the conversation cannot be considered confidential.
  - Assure him/her that you want to be supportive, but if he or she does not want the incident to potentially be reported then they should make an appointment with a confidential provider.
  - Advise the person to call 911 or seek help from law enforcement if he or she is in immediate danger or, if needed, advise them to seek emergency medical and mental health assistance.
- Be an empathetic listener.
  - Use active listening skills.
  - Listen without judgment.
  - Be open in your posture.
  - Let the individual lead the conversation.
- Provide resources & referrals such as those listed in this policy.

**Submit a report**

Even if someone does not want to participate in an investigation of the incident, Mandated Reporters are still required to report the incident. Reports involving students may be emailed to the Title IX Coordinator, Jason Jessie at [jjessie@lbwcc.edu](mailto:jjessie@lbwcc.edu) or call at (334) 881-2245 or in the Jeff Bishop Student Center on the Andalusia campus. Other reports may be submitted to the Senior Personnel Officer, Lisa Carnley at [lcarnley@lbwcc.edu](mailto:lcarnley@lbwcc.edu) or (334) 881-2216.

A report does not necessarily lead to a full investigation. However, the College will make a safety assessment to determine if the respondent or the respondent's actions present a safety risk to the community or any of its members. If it is likely that there is continuing risk as a result of

the incident, then College may have to proceed with an investigation even without the injured party's consent.

Even if an incident occurs off campus, you may still be required to report it. The College has an obligation to address the resulting or continuing effects of off-campus harassment that interferes with a student's educational rights or an employee's employment rights.

### **Prevention, Education and Awareness**

Lurleen B. Wallace Community College undertakes various prevention activities in an effort to create a safe, secure, and hostile free environment that is conducive to the educational and personal developmental needs of students. The College encourages students and employees to be responsible for their own security and the security of others.

A sexual 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 misconduct; (2) notifying individuals of conduct that is prohibited; (3) informing administrators and supervisors about the proper procedures in addressing complaints.

Appendix A: Alabama Criminal Code Definitions for Select Offenses Related to Sexual Assault, Domestic Violence, & Stalking, and Lack of Consent

### **Some Sexual Assault-Related Offenses:**

*Section 13A-6-61. Rape in the first degree.*

(a) A person commits the crime of rape in the first degree if: (1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.

(b) Rape in the first degree is a Class A felony.

*Section 13A-6-62. Rape in the second degree.*

(a) A person commits the crime of rape in the second degree if: (1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex. (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective. (b) Rape in the second degree is a Class B felony.

*Section 13A-6-63. Sodomy in the first degree.*

(a) A person commits the crime of sodomy in the first degree if: (1) He engages in deviate sexual intercourse with another person by forcible compulsion; or (2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old. (b) Sodomy in the first degree is a Class A felony.

*Section 13A-6-64. Sodomy in the second degree.*

(a) A person commits the crime of sodomy in the second degree if: (1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old. (2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective. (b) Sodomy in the second degree is a Class B felony.

*§ 13A-6-65.1. Sexual torture.*

(a) A person commits the crime of sexual torture: (1) By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse. (2) By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse. (3) By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse. (b) The crime of sexual torture is a Class A felony.

*Section 13A-6-66. Sexual abuse in the first degree.*

(a) A person commits the crime of sexual abuse in the first degree if: (1) He subjects another person to sexual contact by forcible compulsion; or (2) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated. (b) Sexual abuse in the first degree is a Class C felony.

*Section 13A-6-67. Sexual abuse in the second degree.*

a) A person commits the crime of sexual abuse in the second degree if: (1) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

(b) Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony.

*Section 13A-6-68. Indecent exposure.*

(a) A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public

place or on the private premises of another or so near thereto as to be seen from such private premises. (b) Indecent exposure is a Class A misdemeanor except a third or subsequent conviction shall be a Class C felony.

*Section 13A-6-69. Enticing child to enter vehicle, house for immoral purposes.*

(a) It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person. (b) A violation of this section is a Class C felony.

*Section 13A-6-69.1. Sexual abuse of a child less than 12 years old.*

(a) A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact. (b) Sexual abuse of a child less than 12 years old is a Class B felony.

*Section 13A-6-70. Lack of consent.*

(a) Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without consent of the victim. (b) Lack of consent results from: (1) Forcible compulsion; or (2) Incapacity to consent; or (3) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. (c) A person is deemed incapable of consent if he is: (1) Less than 16 years old; or (2) Mentally defective; or (3) Mentally incapacitated; or (4) Physically helpless.

*Section § 13A-6-81. School employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years.*

(a) A person commits the crime of a school employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years if he or she is a school employee and engages in a sex act or deviant sexual intercourse with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. (b) As used in this section, sex act means sexual intercourse with any penetration, however slight; emission is not required. (c) As used in this section, deviant sexual intercourse means any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another. (d) The crime of a school employee engaging in a sex act or deviant sexual intercourse with a student is a Class B felony.

*Section § 13A-6-82. School employee having sexual contact with a student under the age of 19 years.*

(a) A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. (b) As used in this section, sexual contact means any touching of the sexual or other intimate parts of a student, done for the purpose of gratifying the sexual desire of either party. The term includes soliciting or harassing a student to perform a sex act. (c) The crime of a school employee having sexual contact with a student is a Class A misdemeanor.

## **SMOKING/TOBACCO POLICY**

As of June 1, 2020, Lurleen B. Wallace Community College is smoke-free and tobacco-free. “Smoking” includes inhaling, exhaling, burning, carrying, or possessing any lighted product, including cigarettes, cigars, pipe tobacco, or any other lit product. “Smoking” also includes the use of electronic cigarettes or similar devices. “Tobacco” includes smokeless tobacco, including, but not limited to, products known as dip, chew, snuff, or snus.

All locations of Lurleen B. Wallace Community College are smoke-free and tobacco-free, including instructional sites, campuses, housing, athletic facilities, grounds, parking lots, and vehicles owned, leased, or rented by the College. All College employees, students, visitors, vendors, and contractors are required to comply with this policy, which will remain in force at all times.

Furthermore, this policy prohibits any smoke and/or tobacco-related advertising or sponsorship from appearing in any publication produced by the College or by any club, team, organization, or association authorized by LBWCC.

Each faculty or staff member will be responsible for enforcing the policy in his/her area. For those people interested in finding a program or method to stop smoking, the College will retain information regarding such methods and programs. This information may be obtained from the Student Affairs Office or the Learning Resource Center for students and from the Human Resources Office for employees. See the *Alabama Community College System Board of Trustees Policy 514.01: Use of Tobacco Products*.

## **SOFTWARE ACCESS**

### **Procedures for Granting Access to Alliant Software**

The following policy is to govern procedures to establish for employees execution access to the computer programs of the Alliant software application. Procedures should be established to ensure that access to programs of an employee be based on the duties of the employee, that any granting of program access to an employee or removal of program access can only be authorized by a program access manager, and that all changes to program access be documented. In governing these new procedures it is imperative that College employees not provide their password to other individuals. Providing a password to other individuals will be considered insubordination.

**Policy**

Execution access to programs in the various modules of the Alliant software shall be the responsibility of the program access managers. A committee shall be appointed to identify who shall be the program access manager for the various modules based on area of responsibility and communicate the assignments by documentation. The committee may see it necessary or desirable that some modules be assigned to more than one manager or that a manager may be assigned to more than one module. The committee also may see it necessary or desirable to assign to each module a primary and alternate manager. On the occasion of the addition of a new module to the Alliant software, the committee shall likewise assign to it one or more program access managers.

Upon completion of the committee's assignment and at least annually, the program access managers shall perform an audit of their module's program access to ensure that currently granted program access is based on the duties of the employees. When access to programs needs to be removed because an employee's duties have changed or the employee is no longer employed, the manager shall communicate needed changes to the named Alliant software contact or his/her alternate to effect the removal of program access. Requests for access removal shall be made in writing by the program access manager. A copy of the request shall be kept by the issuing/authorizing program access manager and the original request shall be kept by the Alliant software contact.

An employee who needs to have security access to run programs which are part of the Alliant software modules, must process a request through his/her supervisor. This request shall be made on a form which indicates the name of the employee and a list of programs needed to perform the duties of the employee. The form must be signed by the documented program access managers of the appropriate module or modules and forwarded to the Alliant software contact or his/her alternate to establish access. It is not necessary that all managers of a module sign the request, just one.

A copy of the request form shall be kept by the issuing/authorizing program access manager and the original form shall be kept by the Alliant software contact. Any student or work-study student employed by the College will not be given a user-id for access to the AS/400. This guarantees that student(s) at LBWCC will not have access to any module or program where sensitive data could be changed or deleted. Also, students that are on work-study cannot be given duty assignments that require use of the AS/400 other than for viewing their personal student information such as (grades, transcripts, etc).

**SOLICITATIONS**

Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by the institution. Solicitations by vendors incidental to the vendor providing services on behalf of the institution pursuant to a contract between the institution and the vendor are permissible.

An agent, vendor, or solicitor shall not be permitted on campus to distribute literature, solicit



funds, or sell to faculty, staff, students, or campus organizations without specific approval by the President or designee.

An agent, vendor or solicitor will not be allowed on campus to sell merchandise or services to students except when sponsored by a student organization. Sponsorship by a student organization involves bearing the responsibility for the reputation of the vendor. Sponsorship by a student organization also involves the requirement of student participation in the actual selling as well as ensuring that the sponsoring student organization receives a significant portion of the receipts from sales. Charitable, tax-exempt organizations will be considered on an individual basis.

On-campus solicitation or other solicitations originated by students to raise funds for institution-related activities may be permitted only with prior approval of the President or appropriate dean. Solicitation for non-institution-related activities shall not be permitted on campus except with the approval of the President or designee.

The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity; and no funds shall be distributed to the officers, members, or any individual for personal profit or use.

Solicitation of dues and/or membership in an organization is permissible only by affiliated groups, organizations or individuals.

## **STUDENT ORGANIZATIONS**

### **Obtaining Continued Recognition/Chartering Procedures**

#### **Formation of New Organizations**

Any group wishing to organize on campus must submit a written request to the Dean of Student Affairs. The Dean of Student Affairs will present this request to the Executive Council for approval and then notify the group of that decision. At the appropriate time, a constitution containing the following information must be presented to the Dean of Student Affairs for approval:

1. The name of the organization,
2. The statement of purpose of the organization,
3. Membership eligibility requirements,
4. A list of promoting students,
5. A listing of officers by title and duties and any special function of the offices,
6. A statement of the length of terms of the officers and the time and method of election,
7. A statement of when, where, and how often meetings will be held,
8. A statement of membership dues, including amount and frequency of payment, and provision for disposition of any funds in the event of dissolution of the organization,
9. Provision for club advisors and name of club advisor,
10. Statement of any national, state, or regional affiliation and a copy of this affiliation's constitution must be attached.

**Temporary Recognition**

Temporary recognition may be given to organizations upon submission of a constitution containing the above listed requirements and would permit the organizations to function for not more than one semester pending official charter approval.

**Review and Approval**

A typed copy of the proposed constitution must be submitted to the Dean of Student Affairs for suggestions, recommendation, and approval. In the event that recognition is withheld, an appeal may be made to the President of the College. During the time that its application for recognition is being considered or an appeal is being made, a group may not sponsor speakers or activities in the name of the proposed organization.

Any change or amendment affecting the nature or purpose of the organization as originally approved must also be approved by the Dean of Student Affairs, and an up-to-date copy of the constitution must be on file in the Student Affairs Office.

**Club Sponsors/Advisors**

All student organizations must have a qualified club sponsor/advisor approved the Dean of Student Affairs and the President of the College. Any changes to sponsors or advisors must be coordinated through the same individuals. Each organization must also have at least one co-sponsor or alternate advisor, who will also be approved by the Dean of Student Affairs and the College President.

Upon acceptance of the recommendations, the Dean of Student Affairs shall notify the sponsor/advisor. A faculty member who agrees to serve as a club sponsor/advisor accepts the responsibility for encouraging the organization in its purpose and activities within the limits of College policy and the goals and objectives of the organization as set forth in the statement of purpose and constitution.

No meeting is authorized or recognized unless attended by the sponsor/advisor or a substitute duly approved by the Dean of Student Affairs. The proceedings of meetings held with a substitute must be reviewed by the sponsor/advisor.

Speakers, special programs, and activities, and program topics must have the formal approval of the club sponsor/advisor and the Dean of Student Affairs or his/her designee. Requests for activities, other than normal meetings must be made in writing at least seven days prior to the activity. A request for outside speakers must be made, in writing, a minimum of three days prior to the issuance of an invitation.

**Meetings**

Recognized student organizations are required to hold their meetings on campus, and the College facilities will be made available to them. Special permission must be obtained from the Dean of Student Affairs or his/her designee for off-campus meetings.

**Policies for Clubs and Organizations**

Campus organizations shall be open to all students without respect to race, creed, national origin, sex, or disability. All clubs and organizations must conform to the laws and policies of the State

of Alabama, the Alabama Community College System Board of Trustees, Lurleen B. Wallace Community College, and the Student Government Association. No club or organization shall interfere or support interference with the regular academic pursuit of any student. No club or organization shall cause or encourage non-attendance of classes or campus activities without prior consent of proper College officials. Clubs or organizations shall not encourage any action that might cause disrepute to a student, instructor, or College activity.

### **Tenure of Student Organizations**

Any organization determined not to fulfill its approved purpose and goals is subject to probation, reorganization, or dissolution. The Dean of Student Affairs may request minutes of meetings, financial statements, and/or any other information he/she may deem appropriate in determining the tenure of a student organization.

### **Fund-Raising and/or Solicitation of Funds**

All fund-raising activities for student organizations and clubs must be supervised by the faculty/staff sponsor(s). College fund-raising activities for student organizations and clubs must be approved by the Dean of Student Affairs. All student organizations must submit through their faculty/staff program sponsor to the Dean of Student Affairs, a written request for approval stating the purpose and type of fund-raising activity, whether it will take place on campus or off-campus, and the targeted group (e.g., community, business, student body, staff, community agencies organizations). The date the activity is planned should be specified and the request should be submitted at least one week prior to the activity. The Dean of Student Affairs will provide a copy of this information to all appropriate personnel of the College.

The request may be made through the use of a memorandum addressed through the faculty/staff sponsor to the Dean of Student Affairs.

## **TELEPHONES**

Campus telephones are for official College business only.

### **Procedure for Evening Coverage of the Telephone**

The switchboard receptionist will handle incoming telephone calls requiring an operator until 5:00 p.m. Monday through Thursday and until 12:00 p.m. on Friday.

At 5:00 p.m. the switchboard receptionist will transfer incoming operator calls to the Learning Resource Center. The evening staff member in the Learning Resource Center will handle incoming operator calls until 8:00 p.m. or until the Learning Resource Center closes.

Note: Telephone receptionists are not expected to leave their stations to deliver telephone messages. They should contact the College employee, when applicable, or record the message for delivery at a later time.

## TUITION WAIVER POLICY

This tuition assistance program is designed for all full-time benefits eligible employees, retirees, and benefits eligible H Salary Schedule employees of The Alabama Community College System and the Alabama Community College System office and their dependents as defined under Section II. This program will not include non-benefits eligible, temporary, or part-time employees, or persons serving as independent contractors to any of the Alabama Community College System colleges or entities or to the Alabama Community College System Office.

For eligibility purposes, a dependent is defined as:

1. the spouse of any eligible employee or retiree;
2. the unmarried children of any eligible employee or retiree residing in the household of the employee or retiree, residing in the household of the employee's or retiree's former spouse, or residing in temporary housing while enrolled in college such as college dormitories, apartments, and student housing;
3. the unmarried stepchildren of any eligible employee or retiree residing in the household of the employee or retiree;
4. a legal ward (a minor child placed by the court under the care of a guardian) when the guardian is a benefits eligible employee or retiree.

All eligible employees and their dependents will be allowed a waiver of one-third (1/3) of the normally-charged tuition after the first (1) year (the equivalent of one (1) full academic year for faculty or at least twelve (12) months for non-instructional employees) of employment. A waiver of two-thirds (2/3) tuition after the second (2) year of employment (the equivalent of two (2) full academic years for faculty or at least twenty-four (24) months for non-instructional employees) is allowed for eligible employees and their dependents. A waiver of full tuition after the third (3) year of employment (the equivalent of three (3) full academic years for faculty or at least thirty-six (36) months for non-instructional employees) is allowed for retirees, eligible employees, and their dependents.

Partial tuition adjustments are to be rounded down to the nearest dollar. Eligible Salary Schedule H employees will be allowed a waiver calculated at a prorated rate of full-time employment. Expenses for supplies, books, and fees other than tuition will not be waived. Each college or entity will be allowed to count the credit hours generated by these enrollees.

Tuition waiver is requested by completing the *Tuition Waiver Request Form* and submitting it to the Human Resources Coordinator for verification of eligibility. The Human Resources Coordinator will forward the form to the President's office for completion of the approval process.

A *Tuition Waiver Request Form* for the tuition assistance program is available in the copier room on the Andalusia Campus and in the Business Office at the other College locations and should be completed prior to registration for classes. The form is also available online in Section 11 of the Policies and Procedures Manual. A copy of the completed form is maintained by the employing institution and the College offering courses (if different).

Any eligible student under this policy must maintain at least a "C" average (2.0 on a 4.0 scale) to be eligible for tuition waiver in the courses for which the student receives tuition assistance. Failure of the eligible student to meet this grade requirement causes the student to be ineligible for further tuition assistance until the student (1) brings his cumulative grade point average at the same college in which the tuition assistance was previously provided to a 2.0, or (2) provides satisfactory evidence that the student paid tuition at a college after he/she became ineligible for tuition assistance for the same number of hours in which the student failed to make a 2.0 in tuition assistance classes with evidence that he/she obtained at least a 2.0 in the paid classes. If a student has become ineligible for tuition assistance at one college due to his/her inability to maintain a 2.0 in tuition assistance courses, the student is ineligible to receive tuition assistance at any other college.

Participation in this program is in addition to the employee's full-time work week, and should not be considered when computing the employee's time for financial compensation. However, in certain cases the employee's work schedule may be adjusted to permit course attendance. Adjustments to an employee's weekly work schedule must be recommended by the employee's supervisor and/or Dean, and approved by the President.

Approved tuition assistance waivers are honored through the completion of the current term only.

### **Eligibility**

Employees must have been employed by an Alabama Community College System college or entity or the Alabama Community College System office for the equivalent of one full academic year for faculty or at least 12 months for non-instructional employees, prior to the first scheduled day of class for the term for which the employee is applying. Dependents will be eligible when said employee or retiree is eligible, and to the same degree to which the employee or retiree is eligible, except as herein modified. Only those former employees who have 25 years of continuous service and retired from an ACCS entity or system office or those former employees who have a disability retirement from an ACCS entity or system office are eligible for tuition assistance under this policy.

Eligibility terminates if the employee discontinues full-time employment for any reason except on an approved leave of absence. Dependents will be ineligible when said employee becomes ineligible, except that dependents of an employee who has 25 years or more of continuous service in The Alabama Community College System upon retirement from The Alabama Community College System are eligible to participate in the program for a five-year period commencing with the date of the employee's retirement from the System.

Any eligible student under this policy must maintain at least a "C" average (2.0 on a 4.0 scale) to be eligible for tuition waiver in the courses for which the student receives tuition assistance. Failure of the eligible student to meet this grade requirement causes the student to be ineligible for further tuition assistance until the student (1) brings his cumulative grade point average at the same college in which the tuition assistance was previously provided to a 2.0, or (2) provides satisfactory evidence that the student paid tuition at a college after he/she became ineligible for

tuition assistance for the same number of hours in which the student failed to make a 2.0 in tuition assistance classes with evidence that he/she obtained at least a 2.0 in the paid classes. If a student has become ineligible for tuition assistance at one college due to his/her inability to maintain a 2.0 in tuition assistance courses, the student is ineligible to receive tuition assistance at any other college.

### **Recertification of Eligibility**

The eligible student must re-certify eligibility, as specified in the Eligibility section above, prior to registering for a new term by completing, submitting, and receiving approval of the "Employee-Dependent Tuition Waiver" form. Providing false information will result in exclusion from all tuition assistance benefits and result in a requirement to repay all tuition paid for the student under this program and possible other disciplinary action.

### **Repeating Classes**

Tuition costs for courses repeated will be the responsibility of the student-employee or dependent and consideration under the tuition assistance program will be disallowed. Tuition assistance will be disallowed for repeating a class for which the grade of "W" was originally received.

### **Auditing**

An eligible student will be allowed to audit one (1) course (up to five (5) credit hours) per term and will be allowed the appropriate percentage of waiver of the normally charged tuition. The eligible student must meet all attendance requirements, class participation, and assignments as required of credit-enrolled students except the final examination is not required. Failure to comply with these requirements will result in the student becoming ineligible for further participation as an audit student in credit hour-producing courses reported.

The student-employee or dependent wishing to audit a course must complete the *Intent to Audit* form, have it signed by the instructor of the desired course and the Dean of Instruction and submit the form to the Director of Admissions and Records before the end of the registration period. Once the registration is designated as an audited course, it cannot be changed to a credit course. Financial aid is not available for audited courses.

## **USE OF STATE PROPERTY FOR POLITICAL PURPOSES**

*Sections 36-12-60, et seq., of the Code of Alabama (1975)* make it illegal for "any officer or employer of the State of Alabama to use or to permit to be used any state-owned property of any character or description, including stationery, stamps, office equipment, office supplies, automobiles or any other property used by him, in his custody, or under his control, for the promotion or advancement of the interest of any candidate for public office of the State of Alabama." Furthermore, it is "unlawful for any officer or employee of the State of Alabama to transport, cause to be transported or allow to be transported in any automobile or other vehicle belonging to the state or any privately owned vehicle while mileage is paid by the state any

campaign literature or propaganda which promotes or tends to promote his/her candidacy or the candidacy of any other person for the nomination or election to any office of the State of Alabama."

## **USE OF FACILITIES AND SERVICES**

### **Access to Campus**

The facilities and grounds of the institution are restricted to LBWCC students, employees, and invited guests of the institution, except when part or all of the campus, its buildings or facilities are open to the general public for a designated time and purpose, or when use by non-affiliated groups, organizations or individuals has been granted or approved pursuant to the provisions of this policy. A guest of the institution, whether invited by a student or employee, is approved to visit for a specific time, place, and purpose. Loitering is prohibited.

All persons on the campus of Lurleen B. Wallace Community College shall be subject to all rules and regulations of the institution applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on any campus or any off-campus center agree by such operation to be subject to institution rules, regulations, policies, and procedures for operating and parking of vehicle. Anyone who is committing any act tending to interfere with the normal, orderly, peaceful, or efficient conduct of activities of the College, may be directed by an official of the institution to leave the campus or facility. If the person fails to do so, trespass charges may be made by the institution through the appropriate local law enforcement agency or court.

### **General Conditions for Use of Property or Facilities**

LBWCC will allow the use of its facilities, when available and when the 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. LBWCC will allow the use of its facilities in accordance with this policy, applicable laws and ordinances, established rules and regulations, and prevailing community standards of conduct and behavior. Exceptions to this policy must be approved by the President, prior to the signing of a contract.

Facilities may be used based on a priority system. A priority system is established to facilitate decisions on facilities use and applicable charges, when scheduling conflicts arise. First priority for use will be given to College events and no charge will be levied. Second priority will be given to organizations with which the College has a written partnership agreement and events co-sponsored by the College such as meetings requested by elected federal, state and local officials or municipalities; however LBWCC facilities may not be used for political campaign activities. Rental fees will not be levied, but other fees, such as clean up and damage to the property, may be charged to the user. Third priority will be given to users that are non-profit, civic, cultural, or charitable in nature. These users will be assessed applicable charges. The last priority will be given to other individuals, governmental entities, religious and other groups, professional associates, clubs, corporations, and institutions. These users will be assessed applicable charges.

In conjunction with the priority system, facilities may be used based on a rental fee schedule and established rules and regulations. A fee schedule is published to establish rates for rentable space. Detailed rules and regulations are published and available to the public via the LBWCC website. A rental application will be used to specify contractual terms between the College and the applicant.

Campus property and facilities may not be used by any non-affiliated group, organization or individual for the conduct of profit-making activities, except when a rental or lease agreement is negotiated and the institution receives a fair rental value for the property or facility used. Rental or lease agreements may be required for nonprofit activities of non-affiliated groups, organizations or individuals; however, rental charges for such use may be reduced or waived at the discretion of the President. Rentable space is defined as all space that may be available after the academic needs of the institution have been met.

Use of campus property and facilities, pursuant to prior approval, for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards. Smoking, tobacco, use of electronic cigarettes, or similar devices is prohibited at all locations of LBWCC. According to Public Law 100-690, no alcoholic beverage, illegal drugs, or controlled substances are allowed on the premises of LBWCC at any time. Firearms are prohibited on campus or on any other property operated by the College, except by 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 for an instructional program in which firearms are required equipment. Illegal gambling while using College facilities is prohibited.

Ample time, agreed upon by both parties, will be allowed for decorating the facility prior to the event. No nails, tacks, staples, hot glue, Velcro, cellophane, or duct tape are allowed in walls, ceilings, doors, or furniture. No decorations may be attached to, or obscure the sprinkler heads, exit signs, fire alarm or other necessary fixtures. Use of candles, smoke machines, fog machines, and any other open flames are prohibited. Glitter and confetti are prohibited. Coffee, condiments, tablecloths and paper products are not provided by LBWCC. Furniture may not be removed from the facility.

The responsibility for damage shall be assumed by the user. A damage deposit may be required at the time a request is made to use a College facility. Adequate liability insurance carried by the user may be required by the institution prior to the event naming the institution as an “additional insured.”

Rental rates for the Student Center Classroom are available in the Student Affairs Office on the Andalusia Campus, rental rates for the Dixon Center Theater and Conference Center are available in the office of Instructional and Information Technology on the Andalusia Campus, rental rates for facilities on the MacArthur Campus are available in the office of the Director of College Facilities and Maintenance on the MacArthur Campus, rental rates for the Wendell Mitchell Conference Center are available in the office of the Director of the Greenville Campus on the Greenville Campus. The rental charge covers only physical plant related costs, such as custodial services or utilities. Charges for use of equipment and operators are not included.



Additional charges may be necessary if special arrangements of furniture or personnel are required, exceptions may be made with the approval of the President.

If outside groups are to use LBW Community College facilities, maintenance personnel must be notified in advance.

No assembly, meeting, demonstration or other activity shall be authorized or permitted on any property or in any building or facility, when:

1. A determination by the appropriate official of the institution is made that the requested use would cause substantial disruption or interference with the normal activities of the institution conducted in the course of its lawful mission, processes, and functions.
2. A determination is made that the requested use would be contrary to federal, state or local law or regulation, or policies and regulations of the Alabama Community College System Board of Trustees or the institution.
3. The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration.
4. The applicant or sponsor of the activity has been responsible for violation of subparagraphs (1), (2), or (3) above during a previously registered use of campus property or facilities, or has violated any conditions or assurances specified in a previous registration application, and the institution has reasonable cause to believe such violation will reoccur.
5. Approval for use of the property or facilities has previously been given to another group, organization, or individual for the time(s) and location(s) requested.
6. Use of the property or facilities requested would be impossible due to setup time and/or take-down time required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.
7. The activity is of such nature or duration that it cannot reasonably be accommodated.
8. The activity creates or would create a danger, or dangerous condition.
9. Such use conflicts or would conflict with existing contractual obligations of the institution.
10. The President of the College retains powers of veto regarding approval/appeal or denial of requests for utilization of campus facilities.

Those persons or groups interested in renting facilities are encouraged to plan their event as far in advance as possible. A signed rental agreement and the appropriate deposit / payment are required of all users of LBWCC facilities prior to occupying the premises. All fees must be paid to LBWCC in order for the user's event to be scheduled and space reserved. Checks must be made payable to LBWCC.

Cancellation notice requirements are described on the facilities rental agreement. Cancellation notice provided less than forty-eight (48) hours from the time of the event will result in forfeiture of all rental refunds.

The lessee is responsible for cleaning the rental area. It is the responsibility of the lessee to

remove all decorations, collect all trash/garbage into trash bags, sweep floors, vacuum carpet if applicable, and mop all spills. Trash cans, can liners, brooms and mops will be available. Failure of the lessee to properly clean the facilities will result in forfeiture of the cleaning deposit and can result in the lessee no longer being allowed to use the facilities.

LBWCC reserves the option to retain food and beverage concessions.

Damage to any facility occurring while being used or leased will be repaired and all costs will be applied to the rental deposit. Any cost beyond the rental deposit will be invoiced to the lessee.

In the event of a disaster or emergency of any kind, LBWCC has the right, as it may determine in its sole discretion, to suspend or terminate any event.

As a condition to the leasing of facilities, LBWCC requires evidence of appropriate liability insurance, if applicable.

Anyone leasing LBWCC facilities or any event attendees must observe all parking regulations.

LBWCC assumes no responsibility for any property placed on the premises and will assume no liability for any loss, injury, theft, or damage to property.  
LBWCC does not provide security for outside users.

Exterior doors should be closed, other than for entry or exit to maintain a proper temperature.

Organizations or individuals leasing or otherwise utilizing any facility of LBWCC may use the college name only insofar as necessary to provide directions to the location. Any other use will void any and all contracts for the use of LBWCC facilities.

## **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*, Lurleen B. Wallace Community College's implementing policy on Expressive Activities by the Campus Community is as follows:

### **I. Findings**

Lurleen B. Wallace Community College finds the following:

- A. A primary function of Lurleen B. Wallace 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, LBWCC will strive to ensure the fullest degree possible of intellectual freedom and free expression.
- B. It is not the proper role of Lurleen B. Wallace 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. Lurleen B. Wallace 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. Lurleen B. Wallace 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 LBWCC will not require students, faculty, or staff to publicly express a given view of a public controversy.
- F. Lurleen B. Wallace 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 Lurleen B. Wallace 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 Lurleen B. Wallace Community College's campuses 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:
  - 1. Areas within 50 feet of classrooms or places of residence;
  - 2. Athletic facilities;
  - 3. Outdoor classrooms;

4. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas;
  5. The LBWCC Child Development Center.
- D. Except for II.H. below, this policy does not apply to expressive activities that take place in indoor areas of Lurleen B. Wallace 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 LBWCC's Use of Facilities and Services Policy, subject to the requirement that LBWCC must be open to any speaker whom LBWCC'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 Lurleen B. Wallace 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. Members of the Campus Community may contact the Dean of Student Affairs to reserve outdoor spaces in advance of an event to ensure they have their first choice of location and that the event goes smoothly.
- F. Conduct that may materially and substantially disrupt the functioning of Lurleen B. Wallace Community College or infringe upon the rights of others to engage in expressive activities may include:
1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
  2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
  3. Violations of a state, federal or local law, regulation, or ordinance;
  4. 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;
  5. Following, badgering, or forcibly detaining individuals;
  6. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
  7. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
  8. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;
  9. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
  10. Engaging in expressive activities in prohibited or restricted areas as defined in Sections II.B. and II.C. above;
  11. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or

12. 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. Lurleen B. Wallace Community College may 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 fees can be found in the College's Use of Facilities and Services Policy.
- I. Individuals and groups who engage in expressive activity in outdoor areas on Lurleen B. Wallace Community College property are subject to LBWCC policies relating to the use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. LBWCC prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events. Such policies include the College's Code of Conduct, Use of Facilities and Services Policy and Smoking/Tobacco Policy.
- J. Lurleen B. Wallace 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 LBWCC who violate this subsection shall be handled through the Student Code of Conduct and the College's disciplinary action policies and procedures.
- K. Nothing in this policy shall be construed to prevent Lurleen B. Wallace 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:
1. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
  2. Expressions that a court has deemed unprotected defamation.
  3. Harassment.
  4. 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.
  5. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
  6. An action that unlawfully disrupts the function or security of the institution.
  7. 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.

- L. Complaints or questions regarding the application of this policy should be addressed in accordance with the Student Grievance Procedures and the Grievance Procedure for Employees. Questions regarding this policy should be directed to the Dean of Student Affairs.

### **Commercial Activity on Campus**

Individuals, organizations and groups, both internal and external to Lurleen B. Wallace Community College, may not conduct commercial transactions or engage in commercial speech on LBWCC property unless authorized pursuant to ACCS Board of Trustees Policy 515.01 and approved by the President in advance in accordance with the policy on Solicitations found in section 9 of the LBWCC Policies and Procedures Manual.

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.

### **Policy Distribution**

This policy will be included in new student, new faculty, and new staff orientation programs. Lurleen B. Wallace Community College shall disseminate this policy to all members of the Campus Community and make this policy available in handbooks and our website.

### **Relationship to Other Policies**

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

### **Annual Report**

Lurleen B. Wallace 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:

1. The date and description of each violation of this policy.
2. A description of the administrative handling and discipline relating to each violation.
3. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
4. Any additional assessments, criticism, commendations, or recommendations LBWCC sees fit to include.