



**SHELTON STATE**  
COMMUNITY COLLEGE

# **ANNUAL SECURITY REPORT 2020**



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It is the policy of the Alabama Community College System, including all postsecondary institutions under the control of the Alabama Community College Board of Trustee, that no person shall, on the grounds of race, color, disability, sex, religion, creed, national origin, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or employment.

## **LOCATIONS**

Martin Campus  
9500 Old Greensboro Road  
Tuscaloosa, Alabama 35405

C. A. Fredd Campus  
3401 Martin Luther King Boulevard  
Tuscaloosa, Alabama 35405

## **SHELTON STATE SECURITY SERVICES**

Shelton State provides both security and police officers for the protection of the campus community. The police officers are vested with all the powers, authority, and responsibility of any police officer of the state on property owned or operated by the College, or in any circumstance in which an arrest by a police officer without a warrant is authorized by law. (Code of Alabama 16-22-1).

All criminal matters will be referred to the Tuscaloosa Police Department for investigation.

## **RELATIONSHIP WITH FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT**

Shelton State works regularly with federal, state and local law enforcement agencies related to the security of the campus community. All criminal offenses will be investigated by the Tuscaloosa Police Department.

## **REPORTING EMERGENCIES ON CAMPUS**

It is the policy of Shelton State Community College that any criminal act or threat of violence, injury, destruction of College or personal property, traffic accident or other situation that occurs on College property and that may constitute an emergency, a danger to the health, safety, or property of any person, or a threat to public order be reported immediately. An emergency is hereby defined as any event that is disruptive to the normal affairs of the College. Members of the campus community should be alert to emergency situations and make immediate reports as outlined below. In reporting an emergency, the caller must: (a) state name; (b) state type of emergency; (c) state location of emergency; and (d) remain in the area until assistance arrives.

## **REPORTING CRIMINAL ACTIVITY OR OTHER EMERGENCIES**

**In an emergency, CALL 911.**

To report an emergency at the Martin Campus, call 205.391.2377.

To report an emergency at the C. A. Fred Campus, call 205.391.2646.

Emergency phone boxes are located throughout both campuses and are in place to help contact security offices.

## **CAMPUS SECURITY AUTHORITIES**

Victims who do not want to report crimes to law enforcement may contact the following Campus Security Authorities (CSA):

<b>Martin Campus</b>		
Bobby Sprowl	Head Baseball Coach	205.391.2206
Amanda Harbison	Dean of Student Services	205.391.5878

<b>Fredd Campus</b>		
Teresa Sprowl	Office Manager	205.391.2611
Kristen Bobo	Director of Adult Education	205.391.2638

Please note that CSAs are not responsible for determining authoritatively whether a crime took place—that is the function of Campus Safety and/or law enforcement personnel. A CSA should not try to apprehend the alleged perpetrator of the crime. This is the responsibility of law enforcement. It is also not the responsibility of a CSA to attempt to convince a victim to contact law enforcement if the victim chooses not to do so.

## **FALSE INFORMATION**

Making a false statement to a Law Enforcement Officer or Security Officer, making a threat, or calling in a hoax fire or bomb threat are crimes and will result in appropriate criminal charges. Students will also face College disciplinary action under the SSCC Student Code of Conduct. Safety is of paramount importance at Shelton State Community College. All are asked to cooperate in making the greater College community a safer teaching and learning environment for all.

## **EMERGENCY PROCEDURES**

### **MEDICAL EMERGENCIES**

Call 911 for Emergency Medical Services.

To report an emergency at the Martin Campus, call 205.391.2377.

To report an emergency at the Fredd Campus, call 205.391.2646.

### **MAINTENANCE EMERGENCIES**

Martin Campus – 205.391.2952

Fredd Campus – 205.391.2952

## **ACTIVE SHOOTER AND/OR ARMED INTRUDER**

If you see a person on campus with a gun, knife, or other type of weapon, or if you witness a violent crime of any nature, flee the area if you feel it is safe to do so, and seek shelter immediately. Call 911 to report the incident, and provide as many details as possible to local law enforcement. “Run, Hide, Fight!” protocols are designed to increase the possibilities of surviving a violent encounter.



In the event of a violent act by an assailant such as a shooting or stabbing on College property, SSCC will attempt to send a campus-wide emergency notification alert via CampusCast as quickly as possible. This alert message will be brief in length, but may contain directions such as “Lockdown: Gunman on Campus,” “Shelter in Place,” “Run, Hide, Fight!,” or a similar announcement. Follow these directives immediately and completely. Alert messages do not take the place of sound judgment in any emergency. The College may also use the SSCC website, social media, and local media.

When and where possible, the College’s emergency notification system (CampusCast) is used to convey important emergency and critical updates to system subscribers. There can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert is issued. Follow up alerts are often sent with additional information including “Continue Sheltering in Place” or “All Clear” directives.

**DO NOT WAIT ON AN ALERT IN AN ACTIVE SHOOTER SITUATION.** Students, employees, and visitors on campus should take the following actions based on their location:

- **CLASSROOMS:** Unless you feel it is safe to flee the immediate area of danger, remain in place, and lock or barricade classroom doors with tables, chairs, or other items. Move away from windows and doors. Await instructions from clearly identified law enforcement officers, security officers, College administrators, emergency first responders, and CampusCast.
- **HALLWAYS and SIDEWALKS:** Seek shelter in an occupied classroom or other safe location. Await instructions from clearly identified emergency first responders or College administrators.
- **OPEN AREAS:** Attempt to use any available cover and concealment to safely leave the area. If unable to safely leave the area, lie flat, and stay close to the ground.
- **IF YOU ARE IN THE PATH OF THE SHOOTER:** Flee the area and seek shelter in a lockable/barricaded area, or get behind sturdy cover as quickly as possible. Try to remain in groups so that evacuation is easier. In all cases, remain in place (if safe) until law enforcement or other emergency first responders assist with your evacuation.

Local law enforcement will engage the shooter directly, enforce the lockdown, and secure the campus. Follow all instructions of any law enforcement officers and **KEEP YOUR HANDS VISIBLE** at all times for law enforcement personnel to clearly see you are not a threat.

**DO NOT CONFRONT A SHOOTER/ASSAILANT OR ATTEMPT TO STOP THEM UNLESS YOU FEEL YOUR LIFE IS IN IMMINENT DANGER EVEN IF THE ASSAILANT IS SOMEONE YOU KNOW.**

### **FULL CAMPUS EVACUATION**

In the event of an emergency that requires the evacuation of one or both campuses, if time allows, the evacuation directive will be issued via the CampusCast College emergency notification system. Other methods of communication may be used as well or in place of CampusCast, such as local media, social media, or verbal directives. Follow all instructions from CampusCast, emergency personnel, law

enforcement officers, and College officials.

Evacuation routes will depend on location of the emergency, and transportation may or may not be provided out of the area.

When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers. Please note that based on circumstances, there can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert can be sent out. Follow-up alerts are often sent with additional information, including the "Continue Sheltering in Place" or "All Clear" directives.

When a fire or evidence of fire is discovered in any building on campus, take the following steps immediately:

- Warn others. Activate the fire alarm immediately. The fire alarm consists of pull alarm boxes that are easily activated.
- Leave the building by using the nearest safe stairwell. Close all classroom/office doors as you exit the building.
- Once outside, proceed to a clear area that is at least 300 feet away from the affected building.
- Stay with your class/group to ensure that each member is present and accounted for as safely as possible.
- Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel.
- DO NOT approach working firefighters or other emergency responders.
- DO NOT return to an evacuated building unless told to do so by CampusCast, emergency personnel, or a College official.

When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers. Please note that based on circumstances, there can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert can be sent out. Follow-up alerts are often sent with additional information, including the "Continue Sheltering in Place" or "All Clear" directives.

## **MINOR ACCIDENTS, SICKNESS, AND INJURY**

Shelton State Community College does not employ emergency medical personnel. Some technical programs and other areas may have minor first-aid treatment available. However, in case of sickness or injury of a more severe nature, contact Campus Security Offices, or call 911 directly. Expenses for all medical treatment, to include rescue/ambulatory transportation related costs to hospitals for treatment, are the responsibility of each individual student, employee, or campus guest.

## **PHYSICAL PLANT RELATED FACILITY PROBLEMS**

### **Electrical/light fixture, plumbing failure**

- Stay clear of the problem area.

- Turn off water, and switch off lights if safely possible.
- Notify the appropriate campus security office.

#### **Gas leaks**

- Stop all operations.
- Do not touch light switch or electrical equipment as this act can cause an explosion.
- Evacuate the building.
- Notify the appropriate campus security office.

#### **Ventilation problems/smoke or foul odors detected**

- Evacuate the building.
- Notify the appropriate campus security office.

Emergency phone boxes are located throughout both campuses and are in place to help contact security offices during hours of operation.

When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers. Please note that based on circumstances, there can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert can be sent out. Follow-up alerts are often sent with additional information, including the "Continue Sheltering in Place" or "All Clear" directives.

### **SEVERE WEATHER OR TORNADO**

Students and employees should monitor local weather updates for possible changing conditions that might prompt severe weather warnings such as a tornado warning, severe thunderstorm warning, winter weather warnings, etc.

The following actions should be taken when directed or when necessary during a tornado warning or other severe weather outbreak:

- Move orderly and quietly out of classrooms, labs, and offices into safer interior hallways on the lowest floor. Stay away from doors, windows, and glass. In a building without hallways, move to the interior of the building away from items that may fall or be thrown.
- Close all classroom and office doors making sure no one remains in the room.
- Remain in a first floor hallway or interior room until contacted by CampusCast, College officials, or emergency personnel.
- Report anyone missing or injured to a College official or emergency personnel immediately.

When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers. Please note that based on circumstances, there can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert can be sent out. Follow-up alerts are often sent with additional information, including the "Continue Sheltering in Place" or "All Clear" directives.

## **OVERVIEW**

Since the College cannot anticipate all emergencies, four distinct action plans have been developed for potential hazards. When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers.

## **EVACUATE BUILDING**

Using the fire evacuation routes and exits, evacuate the building using the nearest safe exit. Stay in a group and remain 300 feet or more from the building to allow emergency personnel to work. Many parking lot light poles are distinctly lettered and identified for easier navigation. Follow directions from Campus Security, College employees, emergency response personnel, and CampusCast directives if alerts are given.

## **EVACUATE THE CAMPUS OR LARGER AREA**

Follow instructions of emergency personnel and College officials for either a personal evacuation on foot, by private car, or an assisted evacuation by the College. Flexibility is critical in a full evacuation as routes may be altered according to the scope of the emergency. Follow directions from Campus Security, College employees, emergency response personnel, and CampusCast directives if alerts are given.

## **LOCKDOWN OF CAMPUS**

In the event of an armed intruder or shooting on either of the campuses, the College supports the "Run, Hide, Fight!" protocol promoted by the State of Alabama's Department of Homeland Security. College officials will lock down facilities using the procedure in this plan. It is critical in such a case to follow every instruction to maximize safety and deny the armed intruder or assailant access to victims and hostages. Even if you know the armed intruder by name, you should not intervene unless you feel that your life is in danger. Classrooms, departments, suites, and other areas will be secured, locked down, barricaded, and blocked to the fullest extent possible. Follow directions from Campus Security, College employees, emergency response personnel, and CampusCast directives when alerts are given.

## **SHELTER FROM SEVERE WEATHER**

When notified of a severe weather event, follow weather procedures and official instructions.

- Move orderly and quietly out of classrooms, labs, and offices into safer interior hallways on the lowest floor. Make sure to stay away from doors, windows, and glass. In buildings without hallways, move to the interior of the building away from items that may fall or be thrown.
- Close all classroom and office doors making sure no one remains in the room.
- Remain in a first floor hallway or interior room until contacted by CampusCast or College or emergency personnel. Follow directions from campus security, College employees, emergency response personnel, and CampusCast directives if alerts are given.
- Report anyone missing or injured to a College official or emergency personnel immediately.

When and where possible, the College's emergency notification system (CampusCast) is used to convey important emergency information and critical updates to system subscribers. Please note that based on circumstances, there can be delays in gathering all facets of the emergency/incident and as such, several minutes can lapse by the time an actual emergency alert can be sent out. Follow-up alerts are often sent with additional information, including the "Continue Sheltering in Place" or "All Clear" directives.

## **TORNADO WARNING/SEVERE WEATHER**

- Immediately seek shelter in designated severe weather shelters to include interior areas on lowest level of building away from doors and windows.
- Stay in designated shelter areas/hallways until warning expires and given further directions.
- Never attempt to outrun a tornado or other severe weather.
- Maintain personal belongings such as cell phone, purse, and backpack only when safely possible.
- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

## **FIRE/SMOKE**

- Evacuate building immediately when alarm is activated or there is evidence of a fire.
- Close doors as exiting, and activate nearest fire alarm pull station.
- Call 911 to report location of fire or smoke.
- Maintain personal belongings such as cell phone, purse, and backpack only when safely possible.
- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

## **SHELTER IN PLACE AND LOCKDOWN**

- Immediately close and lock or barricade door with furniture, chairs, and desks. NOT ALL DOORS LOCK, SO USE BARRICADES WITH ANY MATERIALS AVAILABLE.
- Stay away from exits, outside doors, windows, and dangerous heavy equipment.
- Maintain personal belongings such as cell phone, purse, and backpack only when safely possible.
- Follow all campus directives, and do not attempt to leave the sheltered area until directed by College officials, first responders, law enforcement officers, or if you feel it is a last resort.

- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

### **BUILDING/CAMPUS/AREA EVACUATION**

- Remain calm and encourage others to do likewise.
- Gather personal belongings only if safe to do so.
- Immediately evacuate building using nearest safe exit/stairwell. DO NOT use elevators.
- Meet outside the building at designated rally points in parking lots of each respective campus or in an area specified by an instructor, and await further instructions.
- Assist persons with special needs when and where possible. Designated evacuation rally areas for those with special needs at Martin Campus are the second and third floor Atrium East/West stairwells, second floor Cosmetology stairwell, and by the second floor Security Office. Fredd Campus is a single floor campus and has no designated rally points at this time.
- Evacuate building immediately when alarm is activated or there is evidence of a fire.
- Close doors as exiting, and activate nearest fire alarm pull station.
- Call 911 to report location of fire/smoke/emergency.
- DO NOT enter campuses until ALL CLEAR has been given.
- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

### **THREATENING PERSON**

- Do not confront the person unless your immediate safety is in question. Flee when safely possible.
- When calling 911, provide as much information as possible to law enforcement officers, other first responders, and College personnel about the person and their direction of travel.
- Do not block the person's access to an exit.
- If you feel threatened, immediately close and lock or barricade the door with furniture, chairs, and desks. NOT ALL DOORS LOCK SO USE BARRICADES WITH ANY MATERIALS AVAILABLE.
- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

### **ACTIVE SHOOTER/ACTIVE ASSAULT SCENARIOS AND LOCKDOWN (RUN...HIDE...FIGHT!)**

- If you hear gunfire or see a person with a gun or other weapon, take immediate steps to protect yourself.
- If possible, call 911, and provide as much information as possible about the shooter/assailant, to include sex, race, clothing worn, type of weapon used, accomplices, and direction of travel and if there are any injuries.
- If barricaded, turn all cell phones to vibrate or silent so not to alert the shooter/assailant of your location. Leave phone "ON" if in conversation with emergency responders.
- If the shooter/assailant is encountered, do not attempt to block their access to an exit.
- Try to safely escape the area if possible. If unable to safely escape, immediately close and lock or barricade the door with furniture, chairs, and desks. NOT ALL DOORS LOCK SO USE BARRICADES.

- Turn off lights. Hide behind heavy furnishings, and stay away from windows and out of view.
- If you are in an open area and cannot escape, hide in best-protected location.
- If the shooter/assailant approaches you, your actions will depend solely on your judgment and capabilities, and there may not always be a “single best strategy” for a direct confrontation.
- Any offensive measures taken against the shooter/assailant should be taken in unison with others in your immediate area if possible.
- If the shooter/assailant is attacked, COMMIT FULLY and use any available items to overtake the shooter/assailant, such as books, backpacks, chairs, or even a fire extinguisher.
- If the shooter/assailant is overtaken and subdued, leave the area immediately with hands held high where oncoming law enforcement officers and other first responders can determine who you are while fleeing the area. NEVER assume that first responders know who you are just because the actual shooter/assailant is not in your area.
- Follow ALL directives given by law enforcement officers, first responders, and other College personnel.
- Monitor CampusCast rapid alert notification system, the College website, and local media for important updates.

For training and additional info, contact Mark Cline, Director of Security for Shelton State Community College, at 205.391.2352 or [jcline@sheltonstate.edu](mailto:jcline@sheltonstate.edu).

## **EMERGENCY RESPONSE EXERCISES**

No emergency response exercises were conducted during this period.

## **SECURITY AND ACCESS TO COLLEGE FACILITIES**

Shelton State Community College strives to maintain a safe and secure campus environment for students, staff, and visitors. Offices, laboratories, and classrooms are secured as appropriate when not in use. Officers and staff members who discover defective doors and locks, interior/exterior lighting problems, or other safety hazards, routinely report the situation to the Director of Security for review and action. To further improve safety, the College encourages all campus community members to take an active role and immediately report any observations of a suspected crime, unusual or suspicious activity, emergency, or hazardous conditions to the appropriate campus Security Office or the Director of Security (205.391.2352). All employees and students are encouraged to dial 911 directly if the situation merits immediate law enforcement or emergency rescue response. The commonly used nationwide slogan “If you see something; say something” is heavily promoted at the College.

The College does not own, maintain, or control the following: a) dormitories or other residential facilities; b) off-campus facilities for recognized student organizations; and c) non-campus building or properties that are used for educational purposes. As on-campus housing does not exist at the College, fire safety reporting data will be limited to actual fire related incidents that will be recorded to the daily activity log maintained by the Security Offices. The College fire alarm system is tested and routinely receives maintenance each year or as needed.

The campuses are open Monday through Thursday 7:00 a.m. to 10:00 p.m. and Friday 8:00 a.m. to 12:00

noon and are closed on Saturday, Sunday, and designated holidays.

### **IMPORTANCE OF REPORTING ALL CRIMES**

The importance of reporting crime, suspected crime, and any unusual or suspicious activity to Campus Security cannot be overemphasized. These reports provide a sound basis for making timely warnings when a crime or possible emergency may present a threat to other members of the campus community. Reports also assist the College in providing an accurate disclosure in the annual crime statistics report. In addition, such actions by a victim or witness will assist in making the campus environment a safer place for the entire community. "If you see something; say something" protocols are heavily promoted.

### **VOLUNTARY CONFIDENTIAL REPORTING**

SSCC will assist individuals in providing a report that will allow a victim or witness to report crime on a voluntary and confidential basis. Call the appropriate Campus Security Office (Martin Campus 205.391.2377 or C.A. Fredd Campus 205.391.2646), and ask to speak to a Security Officer, the Director of Security, or a Campus Security Authority.

### **RESPONDING TO CRIMINAL ACTIVITY AND EMERGENCIES**

Once notified, SSCC will immediately send a Campus Security Officer to all reported on-campus incidents and criminal activities that occur during normal hours of operation. Local law enforcement will be contacted if merited. The Tuscaloosa Fire/ Rescue Department responds to reports of fire or medical emergencies. All reports of crimes and suspected crimes that occur after hours should be directed to the Tuscaloosa Police Department by calling 911.

### **SECURITY ASSISTANCE SERVICES**

If requested, SSCC Security Officers or other College-Operations Staff can escort students, faculty, and staff when returning to their vehicles, bus stops, or other pick-up points. A request may be made to the appropriate Campus Security Office or directly to the Director of Security.

### **ASSISTANCE FOR DISABLED MOTOR VEHICLES**

Reasonable assistance will be provided to drivers with motor vehicle that are disabled on campus. After the driver of the vehicle signs the appropriate vehicle assistance form, an officer will provide a battery boost or other appropriate and reasonable assistance.

### **CODE OF CONDUCT PROCESS FOR STUDENTS**

Upon receipt of a code of conduct complaint, the Dean of Student Services may assign the case to an investigator to gather additional facts. If there is probable cause to believe that a violation of the Shelton State Community College Code of Conduct has occurred, then the case will proceed to an informal adjudication stage. In this stage a resolution can occur when the terms of the agreement are deemed appropriate by the Associate Dean of Student Services, is designed to eliminate the conduct at issue, prevent its recurrence and remedy its effects in a manner that meets the expressed preference of



the complainant and the safety and welfare of the campus community. If the case cannot be settled with an informal adjudication, the case will move to the hearing stage. After a verdict is rendered from the hearing, the decision may be appealed to the President for review. The Presidents' decision is final.

To submit a request for a code of conduct action:

MARTIN CAMPUS		
Amanda Harbison	Dean of Student Services	205.391.5878

C. A. FREDD CAMPUS		
Kathy Lancaster	Enrollment Services	205.391.2685

For additional information concerning code of conduct see: <http://www.sheltonstate.edu/wp-content/uploads/2019/10/Student-Handbook-2019-2020-with-revision-chart.pdf>

### **COMPLAINT PROCESS FOR EMPLOYEES**

In circumstances in which the offender is a school employee, victims may file a complaint with Human Resources in place of or in addition to criminal charges. These complaints may be submitted to Kevin Davis, Director of Human Resources, 205.391.2290.

### **COLLEGE RESPONSE TO SEXUAL ASSAULT**

Sexual assault is a criminal act that subjects the perpetrator to criminal and civil penalties in state and federal courts. Besides the sanctions that can be imposed in court, Shelton State Community College will respond administratively if a sexual assault or other criminal offense involves a student or employee who acted as the offender. Students and employees are subject to all applicable local, state, and federal criminal codes, as well as the Student Code of Conduct policies and disciplinary procedures, including policies prohibiting sexual harassment. Sanctions may include suspension or expulsion for student offenders or termination of employment for employees.

Various actions can be taken on behalf of the College to help the victim continue educational pursuits in the immediate aftermath of a sexual assault and sexual harassment investigations. Some of these actions can include but are not limited to scheduling assistance so that the victim and the alleged offender are not in the same classes, providing security assistance in and out of the campus buildings and parking lots, providing "alternative safe rooms" where victims may seek assistance, and working to limit potential contact with the alleged offender.

Victims may initiate a disciplinary action by submitting a written, signed statement detailing the incident to the Dean of Student Services. SSCC has a comprehensive sexual misconduct policy, and procedures are in place for sexual assault misconduct and sexual assault incidents.

## **SEXUAL MISCONDUCT/TITLE IX/CAMPUS SaVE ACT POLICY AND PROCEDURES**

Students and members of faculty and staff who report violations included in this policy are given a copy of this document and will be advised of all options available to SSCC officials with respect to the student's right to confidentiality to the extent permitted under College and legal regulations. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted. Pursuant to Alabama law, communications with certain professionals are considered privileged and confidential, including but not limited to, communications with clergy, mental health professionals, and counselors. If a student reports such an incident to any other College employee (faculty, staff, or administrator), those individuals are obligated by federal law to report the incident. Even if a student requests confidentiality, the College can still embark on non-identifying programming to educate students.

All College-related policies and procedures related to sexual assault and victim's assistance are found on the College's website at <https://www.sheltonstate.edu/about-us/emergency-preparedness/>.

### **STATEMENT OF INTENT OF POLICY**

- Under Title IX, and as a standard for the Student Code of Conduct, Shelton State Community College will not tolerate and prohibits sexual assault and all forms of sexual misconduct including intimate partner violence, stalking, dating violence, sexual violence, sexual harassment, and domestic violence offenses. These acts are violations against Alabama State Law and may also be violations of federal laws.
- In publishing this policy, the College is not intending to substitute or supersede related civil and/or criminal law. It should be clearly understood that there is a fundamental difference between the nature and purpose of student code of conduct discipline proceeding and criminal law. Criminal law considers gross sexual assault and unlawful sexual contact to be serious crimes punishable by imprisonment in jail and/or probation. It also involves creation of criminal record and may include a monetary fine.
- All students, faculty, and staff, as well as members of the public participating in College activities have the right to an environment free from sexual or physical intimidation preventing a reasonable person from attaining educational goals or living and working in a safe environment.
- If there is reason to believe that SSCC campus regulations prohibiting sexual misconduct in any form have been violated, on or off-campus, the administration will pursue disciplinary action through the appropriate College procedures. Moreover, this policy does not differentiate the types of offenses based on the kind of relationship between the individuals. In order to maintain a non-discriminatory and respectful educational environment, SSCC complies with its obligation to investigate and resolve concerns of all forms of sexual misconduct regardless of whether or not a formal complaint is filed.
- This policy is intended to provide more detailed information about how SSCC handles these matters and is not intended to replace the SSCC Student Code of Conduct or SSCC Sexual Harassment Policy.

## DEFINITION OF VARIOUS TERMS OF SEXUAL ASSAULT AND SEXUAL MISCONDUCT

- **Sexual Assault** is a general term covering a range of crimes. For the purpose of this statement by the College, “sexual assault” includes, but is not limited to, rape, acquaintance rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault. Rape is generally defined as forced or nonconsensual sexual intercourse. Non-consensual sexual intercourse may take many forms including, but not limited to, rape by a stranger or an acquaintance while on a date; rape by multiple perpetrators, (often referred to as “gang rape”), and may occur both on and off campus. Rape may be accomplished by fear, threats, of harm, and/or actual physical force. Rape may also include situations in which penetration is accomplished when the victim is unable to give consent or is prevented from resisting, due to being intoxicated, drugged, unconscious, or asleep. It also includes various types of unwanted sexual touching or penetration without consent. Sexual assault includes forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by a foreign object (including a finger), and sexual battery, or the unwanted touching of an intimate part of another person for the purpose of sexual arousal.
- **Intimate Partner Violence** occurs when a current or former partner or spouse of the individual defines this term to mean any physical, sexual, or psychological harm against an individual. It would include rape, acquaintance rape, stalking, dating violence, sexual violence, or domestic violence.
- **Sexual Harassment** is a form of sex discrimination and a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. Sexual harassment has two key categories: quid pro quo (loosely translated as “this for that”) and hostile environment. Often sexual harassment involves relationships of unequal power and contains element of coercion, as when compliance with requests for sexual favors becomes criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behaviors have harmful effect on a person’s ability to study or work in an academic setting. In compliance with federal and state law, SSCC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment with the following occurrences:
  - a. Submission to such conduct is made either explicitly or implicitly as a term or condition of instruction, employment, or participation in other College activity;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive College environment.
- **Sexual Exploitation** occurs when a student takes non-consensual, unfair, or abusive sexual advantage of another for his/her own advantage or benefit; or the benefit or advantage of anyone other than the one being exploited. This behavior must not otherwise constitute a violation of sexual assault or sexual harassment. Examples of sexual exploitation include but are not limited to the following; prostituting another student, non-consensual video or audio-taping of sexual activity, presentation or unauthorized viewing of such recording, going beyond the boundaries of consent (such as letting your friends what you have consensual sex without the knowledge or consent of

your sexual partner), engaging in peeping-tomery, knowingly transmitting an STD or HIV to another student, voyeurism, flashing, and sexual-based stalking.

- **Stalking** is a criminal activity consisting of the repeated following and harassing of another person. It is a distinctive form of criminal activity comprised of a series of actions that taken individually might constitute illegal behavior. For example, sending flower, writing love notes, and waiting for someone outside of his/her workplace or classroom are actions that, on their own, are not criminal. When these actions are coupled with intent to instill fear or injury, however, they may constitute a pattern of behavior that is illegal. A person who intentionally and repeatedly follows or harasses another person and who makes a credible threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking.
- **Consent** must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Any consent that is given is invalid when the exchange involves unwanted physical force, coercion, intimidation, and/or threats. If an individual is mentally or physically incapacitated or impaired such that one cannot understand the fact, nature, or extent of the sexual situation, and the incapacitation or impairment is known or should be known to a reasonable person, there is no consent. This includes conditions resulting from alcohol or drug consumption or being asleep or unconscious.
- **Sexual Violence** is the term used to refer to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs, alcohol, or drug consumption or being asleep or unconscious.
- **Stranger rape** is defined as a sexual assault by an assailant upon a person he or she does not know or a rape in which the victim does not know the rapist.
- **Acquaintance Rape** is the most prevalent form sexual assault on a college campus between two people who know each other. The acquaintance may be a date, partner, or someone known casually from a residence hall, class, club, or through mutual friends.
- **Bystander Intervention** is a course of action that may be carried out by an individual to prevent harm or to intervene where there is a risk or an act of violence.

## WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL MISCONDUCT

Any individual who is a victim of sexual misconduct should follow these procedures:

- Immediately go to a safe place.
- Do not hesitate to take action. If you feel that a crime has taken place, dial 911 immediately, or contact the appropriate Campus Security Office at 205.391.2377 (Martin Campus) or 205.391.2646 (Fredd Campus) or the SAFE Center Crisis Line 205.860.7233.
- Call a friend, a family member, or someone else you trust to ask them to stay with you until law enforcement, emergency first responders, or a College official arrives.
- It is important for the victim to preserve evidence if they intend to pursue criminal charges.
- Do not shower, bathe, douche, or brush teeth. Save all clothing worn at the time of the assault.

- If possible, place each item of clothing in a separate paper bag. Do not use plastic bags.
- Do not disturb anything in the area where the assault occurred; this includes bed linens and discarded clothing.
- Immediately seek medical attention.
- If you suspect that you may have been given a rape drug, ask the hospital or clinic where you receive medical care to collect a urine sample. The urine sample should be preserved as evidence. Rape drugs, such as Rohypnol and GHB, are more likely to be detected in urine than in blood.
- If the student has not seen the medical personnel at the time of the complaint, the student will be immediately advised to do so.
- Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.
- Talk with a counselor who is trained to assist rape victims about the emotional and physical impacts of the assault. You can call a hotline, a rape crisis center, or a counseling agency to find someone who understand the trauma of rape and knows how to help.

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE**

### **SUMMARY**

Shelton State Community College is committed to providing a workplace and campus community free of sexual misconduct and harassment. As required by Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs and activities. This includes discrimination affecting employees of the College and applicants for employment, students and applicants for admission, or members of the public. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others, whether on College premises or at any College owned off campus location and while participating in any educational program or activity of the College.

### **PURPOSE**

Sexual harassment, which includes sexual misconduct and sexual assault, is a form of sex discrimination which is prohibited under Title IX of the Education Amendments of 1972 and the Violence Against Women Act. This policy is intended to reaffirm the College's commitment to address sexual harassment and take steps to prevent its reoccurrence and preserve or restore equal access to the College's education programs and activities. Dating violence, domestic violence, and stalking may also be considered forms of sexual discrimination. Due to the seriousness of these offenses, the College has adopted specific policies and procedures, outlined in the Student Handbook, employment policies, and webpage, to address alleged instances of sexual harassment, sexual misconduct, sexual assault, dating violence, domestic violence, and stalking. The College believes that no person should bear the effects of sexual harassment alone. When such conduct occurs, the College's paramount concern is for the safety and well-being of those impacted.

Under Title IX, individuals reporting allegations related to sexual harassment and/or sexual violence have the right to a resolution of their complaint, to have the College conduct a prompt, thorough, and impartial investigation, and to receive supportive measures to ensure the safety and wellbeing of the individuals involved and the College community.

## TITLE IX COORDINATORS

When allegations of sexual harassment and/or sexual violence in any form are brought to the attention of the Title IX Coordinator and if a responding party is found to have violated this policy, serious sanctions will be used to prevent its reoccurrence. Shelton State Community College does not tolerate or condone retaliation. Individuals wishing to report reporting sexual harassment and/or sexual violence and/or to make inquiries concerning the application of Title IX at the College may contact the following:

### **Title IX Coordinator for Students**

Dr. Anika Lodree  
Director of Student Success  
9500 Old Greensboro Road  
Tuscaloosa, Alabama 35405  
Phone: 205.391.2380  
Email: [alodree@sheltonstate.edu](mailto:alodree@sheltonstate.edu)

### **Title IX Coordinator for Employees**

Dr. Michael Green  
Associate Dean of Academic Services  
9500 Old Greensboro Road  
Tuscaloosa, Alabama 35405  
Phone: 205.391.2257  
Email: [mgreen@sheltonstate.edu](mailto:mgreen@sheltonstate.edu)

and/or

Assistant Secretary  
U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education  
Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
Fax: 202-453-6012; TDD: 800-877-8339  
Email: [OCT@ed.gov](mailto:OCT@ed.gov) (mailto: OCR@ed.gov)

Information regarding the Title IX Coordinators and their roles will be provided to all faculty, staff, students, applicants for admission, and applicants for employment. Also, this information is available on the College website at <https://www.sheltonstate.edu/about-us/> under the Title IX webpage.

## **POLICY**

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

## DEFINITIONS RELATING TO SEXUAL HARASSMENT

Many terms are used in the context of sexual harassment. The following will provide some common definitions and examples:

- **Actual knowledge:** The notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College shall be deemed actual knowledge on the part of the College.
- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment; For the purposes of this procedure, a Complainant may be an individual applying for admission or employment, an employee, a student, or an individual otherwise participating in or attempting to participate in the College's education programs and activities.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **Formal complaint:** A document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment; Note: At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in an educational program or activity of the College at which the formal complaint is filed.
- **Consent:** "Consent" must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
- **Incapacitation:** An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.
- **Sexual Misconduct:** Committing sexual abuse, sexual assault, sexual harassment, sexual exploitation, or statutory rape, as defined below or under Alabama state law
- **Harassment:** The striking, shoving, kicking, or otherwise touching or making physical contact in regard to another for the purpose of harassing, annoying, or alarming; and/or directing abusive or obscene language or making an obscene gesture toward someone for the purpose of

harassing, annoying, or alarming; Example: Making or using persistent derogatory comments, epithets, or slurs that place a person in a hostile or fearful environment or where the person's safety is in jeopardy

- Sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:
  - A school employee conditioning education benefits on participating in unwelcome sexual conduct (i.e. quid pro quo);
  - Unwelcomed conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
  - Stalking, dating violence, or domestic violence.

## **DEFINITIONS OF SEXUALLY BASED OFFENSES**

### **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 (Alabama Code 13A-6-66).

### **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 (Alabama Code 13A-6-67).

### **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 (Alabama Code 13A-6-61).



**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 (Alabama Code 13A-6-62).

**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 (Alabama Code 13A-6-63).

**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 (Alabama Code 13A-6-64).

**Domestic Violence:**

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (34 U.S.C.12291(a)(8)).

In Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees).

**Dating Violence:**

Means violence committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship,
- The type of relationship,
- The frequency of interaction between the persons involved in the relationship (34 U.S.C.12291(a)(10)).

In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.

**Stalking:**

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress 34 U.S.C.12291(a)(30).

In Alabama, stalking is when a person intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm (13A-6-90 Stalking in the first degree) or a person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct (Section 13A-6-91 Stalking in the second degree).

**Sexual assault:**

Means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation 20 U.S.C.1092 (f)(6)(A)(v).

**VICTIMS OPTION TO REPORT**

Students and employees who are victims of crime including rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking are encouraged by the College to report, but do have the option not to report the incident to campus security or local law enforcement. In those cases, the victim may still seek assistance confidentially from the College or a victim service agency of their choosing.

## **FORMAL COMPLAINT PROCESS**

### **INITIAL STEPS**

Any student or employee of the College or applicant for employment or admission who has a complaint against a student or a member of the College faculty, staff, or administration concerning sexual harassment (Title IX of the Educational Amendments of 1972) or has knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College should report the complaint to the appropriate campus Title IX Coordinator (i.e. Student or Employee). An educational program or activity of the College includes, but is not limited to locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes buildings owned or controlled by a student organization that is officially recognized by the College.

### **REPORTING A COMPLAINT**

Any individual may report sexual harassment incident to the appropriate Title IX Coordinator in person, by email, by telephone, or in writing. The report must include the names of the Complainant(s) and Respondent(s), approximate date of incident, facts of the incident, and contact information for the person submitting the complaint.

The Title IX Coordinator will respond in writing to the person submitting the complaint as soon as practicable, but not exceeding five (5) business days. If the person submitting the complaint is not the Complainant, the Title IX Coordinator will also contact the Complainant within five (5) business days.

If after a discussion with the Complainant, the Title IX Coordinator determines that the complaint does not qualify as a Title IX Complaint, the Title IX Coordinator will notify the Complainant in writing and may redirect the Complaint to the appropriate committee.

If after a discussion between the Complainant and the Title IX Coordinator, the Title IX Coordinator determines that the complaint meets the criteria of a Title IX Complaint and the Complainant requests to file a formal complaint, the Title IX Coordinator will initiate the formal complaint process.

### **SUPPORTIVE MEASURES**

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as

confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will be offered to the Complainant within five (5) business days of receipt of the complaint.

Supportive measures will be offered to the Respondent simultaneously with the Notice of Allegations.

### **STANDARD OF EVIDENCE FOR DETERMINING RESPONSIBILITY**

For the purposes of College Title IX procedures, the College will use a “preponderance of evidence” standard for determining responsibility. Preponderance of evidence means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.

### **FORMAL COMPLAINT PROCESS**

A formal complaint must be submitted in electronic (email) or written format to the Title IX Coordinator and must be signed by the Complainant. In the event that under the circumstances a formal complaint should be pursued notwithstanding a Complainant’s desire not to file a formal complaint, the Title IX Coordinator may sign the complaint. The complaint must include the following:

- the date of the original complaint,
- names of Complainant and Respondent,
- facts and description of the complaint, and
- the request to investigate complaint.

A Complainant must be participating in or attempting to participate in a College sponsored program or activity at the time the complaint is filed.

### **DIMISSAL OF FORMAL COMPLAINT**

The College may dismiss a formal complaint or allegations therein if:

- the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal complaint or allegations therein,
- the Respondent is no longer enrolled or employed by the school, or
- specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

The College must dismiss a formal complaint or allegations therein if:

- the allegations do not meet the definitions of sexual harassment,
- the alleged conduct did not occur within the United States, or
- the alleged conduct did not occur within a College sponsored program or activity.

If the College determines the formal complaint or allegations therein will be dismissed, the Title IX Coordinator will provide written notice to both parties of the dismissal of allegations, and the reason for dismissal within five (5) business days of the decision to dismiss the complaint.

### **NOTICE OF ALLEGATIONS**

The Title IX Coordinator will provide simultaneous written notice of allegations, including sufficient details, and intent to investigate to the Complainant and Respondent no later than ten (10) calendar days after receipt of the formal complaint. The Title IX Coordinator will also provide both parties with the formal complaint, grievance and appeal process, possible sanctions and remedies, and availability of advisors. The written notice shall include a statement that the Respondent is presumed not responsible for the alleged conduct, that the parties and their advisors may review and inspect evidence, and advise the parties of the provisions of the College Code of Conduct relating to making false statements or submitting false information during the grievance process.

The Title IX Coordinator will additionally notify the Title IX investigator of the pending investigation and provide a copy of the formal complaint.

### **ADVISORS**

In addition to providing the Complainant and Respondent with written notice of allegations and intent to investigate, the Title IX Coordinator will inform the parties of the availability of advisors. Both parties shall have the right to retain, at the respective party's own cost, the assistance of legal counsel or other personal representative advisor. In the alternative, either or both parties may also request an advisor provided by the College.

Only an advisor may conduct cross-examination during the live hearing.

Neither party may dismiss a College appointed advisor.

### **INVESTIGATION PROCEDURE**

The Title IX investigator is responsible for conducting an investigation of the submitted formal complaint. The Title IX investigator will have received Title IX investigator training within the current academic year.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

The Title IX investigator will notify the Complainant and Respondent in writing of the intent to investigate within five (5) business days of receipt of the formal complaint and will commence interviews within ten (10) business days of receipt of the formal complaint. The Title IX investigator will notify the Complainant and Respondent and their respective advisors in writing of all individuals the investigator intends to interview.

Either party may identify other witnesses with relevant information for interview or other evidence for

review by the investigator.

The Title IX investigator will conduct a factual investigation of the formal complaint and shall research applicable statutes, regulations, and/or policies, if any. The Title IX investigator will notify any interviewees in writing of the intent to interview. Interviewees will have at least five (5) business days' notice of an interview. Notice will include the participants, date, place, purpose, and time of the interview.

The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (tending to establish fault or guilt) and exculpatory (clearing or tending to clear from alleged fault or guilt) evidence. Creditability determinations may not be based on a person's status as a Complainant, Respondent or witness.

The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in proceedings, as long as the restrictions apply equally to both parties.

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal access opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Prior to the completion of the investigative report, the Title IX investigator will submit all reviewed evidence to the Title IX Coordinator.

The Title IX Coordinator will provide copies of all evidence reviewed during the investigation to the Complainant, Respondent, and their respective advisors. All parties will have ten (10) business days to review the evidence and respond in writing to the Title IX Coordinator.

Subsequent to the ten (10) business day review period, the Title IX Coordinator will direct any responses from the Complainant, Respondent, or their respective advisors to the Title IX Investigator for additional review. The Title IX Investigator will submit a final report and the reviewed evidence to the Title IX Coordinator. At least 10 days prior to the live hearing, the Title IX Coordinator will simultaneously provide the Complainant, Respondent, their respective advisors, with the final report and all reviewed evidence for their review and written response. The President will select a Hearing Officer to conduct the live hearing. The Hearing Officer shall be provided a copy of the investigative report and reviewed evidence.

## LIVE HEARING PROCEDURE

Upon receipt of the final investigative report, the Hearing Officer will convene a Decision Maker panel and schedule a live hearing. The panel will consist of three (3) individuals selected by the Hearing Officer who have completed Decision Maker training during the current academic year. The Hearing Officer will designate one of the Decision Makers as Primary Decision Maker. The Hearing Officer will notify the Complainant, Respondent, their respective advisors, Title IX Coordinator, Title IX Investigator, witnesses named in the final report, and the Decision Makers of the live hearing date within five (5) business days of receipt of the final investigative report. The live hearing date must provide the Complainant, Respondent, and their respective advisors with no less than ten (10) business days to review the final investigative report and all supporting evidence.

The hearing must be a live, recorded hearing with the opportunity for both advisors to conduct cross-examinations. The hearing shall be recorded by either a court reporter or on audio or video tape or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

Upon request, the Complainant and Respondent may participate in the hearing via on-campus video conferencing provided that all parties, including the Decision Making Panel, are able to see and hear the party or witness answering questions in real-time.

The Hearing Officer, Decision Makers, Complainant, Respondent, and their respective advisors will attend the hearing. The Title IX investigator, Title IX Coordinator, and witnesses will be called to provide testimony if requested by the Decision Makers, parties, or their respective advisors.

If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be an attorney.

The hearing process will consist of the following:

- Opening statement by Hearing Officer
- Review of hearing procedures, formal complaint, and notice of allegations by Hearing Officer
- Review of potential hearing outcomes and sanctions by Hearing Officer
- Complainant Testimony
- Cross-examination of Complainant by Respondent advisor
- Testimony of Witnesses of Complainant
- Cross-examination of Complainant Witnesses by Respondent advisor
- Respondent Testimony
- Cross-examination of Respondent by Complainant advisor
- Witnesses of Respondent Testimonies
- Cross-examination of Respondent Witnesses by Complainant advisor
- Decision Maker inquiries
- Review of appeal process by Hearing Officer
- Closing statement by Hearing Officer

- Dismissal of parties
- Decision Maker deliberations

At the hearing, the Hearing Officer shall read the hearing procedures, notice of allegations, formal complaint, potential hearing outcomes, and potential sanctions. After the Hearing Officer concludes opening statements, the Complainant shall have the opportunity to present such oral testimony and offer such other supporting evidence as deemed relevant to the formal complaint. Subsequent to Complainant testimony, the Respondent advisor may conduct cross-examination. The Decision Makers may question the Complainant after the cross-examination.

The Complainant may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Respondent advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

The Respondent shall then be given the opportunity to present such testimony and offer such other evidence as deemed relevant to the Respondent's defense against the formal complaint. Subsequent to Respondent testimony, the Complainant advisor may conduct cross-examination. The Decision Makers may question the Respondent after the cross-examination.

The Respondent may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Complainant advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

Only relevant cross-examination and other questions may be asked of a party or witness.

During cross-examination, the advisor will pose each question orally to the Primary Decision Maker. The Primary Decision Maker will determine if the Complainant, Respondent, or witnesses may respond to the question. If the Primary Decision Maker chair determines that the question is not relevant, the Primary Decision Maker will explain the rationale for dismissing the question. Rape shield protection is provided for Complainants which deems irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to the Respondent and offered to prove consent.

If a witness or party is not available or declines cross-examination, the decision makers must not rely on any statement of that witness in reaching a determination regarding responsibility; provided, however, that the decision makers cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Upon conclusion of the presentation of the evidence and cross-examinations, the Hearing Officer shall read the appeal process and closing statements. The Complainant, Respondent, their respective advisors and all witnesses shall be dismissed.

The Decision Makers will deliberate to determine if the Respondent is deemed responsible and submit a



written hearing report which contains:

- identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the College's code of conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
- the College's procedures and permissible basis for the Complainant and Respondent to appeal.

The Primary Decision Maker will submit the hearing report to the Hearing Officer within ten (10) business days of the live hearing.

The Hearing Officer will submit the hearing report simultaneously to the Title IX Coordinator, Complainant, Respondent, and their respective advisors within three (3) business days of receipt of the hearing report.

The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator will retain the recording of the hearing, the hearing report, the investigative report, and all evidence obtained during the investigation and all evidence offered at the hearing.

## **APPEAL PROCEDURE**

Appeals of a determination regarding responsibility and from the College's dismissal of a formal complaint or any allegations therein are available to both parties on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the decision regarding responsibility or dismissal was made, that could affect the outcome; and/or (3) the Title IX Coordinator, Investigator, or a Decision Maker had a conflict of interest or bias that affected the outcome.

The President of Shelton State Community College or his/her designee shall be the appeal authority in upholding, rejecting, or modifying the recommendations of the Decision Maker Panel. The President or his/her designee shall not be bound in any manner by the recommendation(s) of the Decision Maker Panel, but shall take it (them) into consideration in rendering his/her decision.

Either party may file a written request with President requesting that the President review the decision of the Decision Maker Panel. The written request must be filed within ten (10) business days following

the party's receipt of the hearing report. If the appeal is not filed by the close of business on the tenth (10<sup>th</sup>) business day following the party's receipt of the report, the party's opportunity to appeal shall have been waived.

As to all appeals, the College will:

- notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- ensure the decision-maker(s) for the appeal complies with the standards set for in 34 C.F.R. § 160.45(b)(iii);
- give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- issue a written decision describing the result of the appeal and the rationale for the result; and
- provide the written decision simultaneously to both parties.

A decision on a party's appeal shall be rendered within 30 calendar days of the initiation of the appeals process. The time for decision may be extended for exigent circumstance or as may be otherwise agreed by the parties.

If the Respondent is also an employee of the College, the individual may also file a claim with the Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.

Informal Resolution: The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College does the following:

- (i) provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (ii) obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

## **RETALIATION PROHIBITED**

Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated in any manner an investigation, proceeding, or hearing conducted under this policy. Complaints alleging retaliation may be filed according to the grievance procedures included in the formal complaint process. The College shall keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as may be permitted by FERPA statute, 20 U.S.C. 1232g or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

## **RANGE OF POSSIBLE SANCTIONS**

On final determination of responsibility the following sanctions which may be imposed against a Respondent include, but are not limited to:

For Students:

- Training
- Referral to counseling
- Reprimand
- Probation
- Loss of privileges
- Suspension
- Expulsion
- Other penalties which may be set forth by the College

For Employees:

- Training
- Referral to counseling
- Warning
- Reprimand
- Probation
- Reassignment
- Transfer
- Suspension without pay
- Termination

For Individuals other than employees or student:

- Removal from campus
- Restrictions on future campus access

- Termination of contractual arrangements (if any)
- Referral to law enforcement

At any time in the grievance process the College may impose a temporary delay or limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The College assigned Investigator nor Decision Makers nor any person who facilitates an informal resolution process shall require, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The College’s Title IX Coordinators, Investigators, Decision Makers shall all have received training for their respective roles prior to participating in a Title IX Complaint or grievance process. All materials used to train the Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates an informal resolution process may be found on the College’s website at [sheltonstate.edu/about-us/](http://sheltonstate.edu/about-us/)

**VICTIMS OF SEXUAL ASSUALT CONTACT INFORMATION**

Title IX Coordinator	205.391.2380
The University of Alabama Women's Resource Center	205.348.5040
Turning Point Crisis Line	205.758.0808
Martin Campus Security Office	205.391.2377
Fredd Campus Security Office	205.391.2646
National Sexual Assault Hotline	800.656.4673

**HOW TO REDUCE THE RISK OF SEXUAL ASSAULT THROUGH AWARENESS**

- When you go to a party, go with a group of friends.
- Arrive together, watch out for each other, and leave together.
- Do not leave your beverage unattended or accept a drink from an open container.
- Do not allow yourself to be isolated with someone you do not know or trust.
- Be aware of your surroundings at all times.

\* Reproduced from the RAINN web site at [www.rainn.org](http://www.rainn.org)

**CRISIS AND OTHER URGENT COMMUNICATIONS**

**Clery Timely Warning Notices** are specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime has been reported and/or may be repeated--so that campus community members can protect themselves or their property. The Clery Act identifies specific crimes that require a timely

warning notice to be issued. When crimes are reported to a CSA or the police and the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property immediately contiguous to the campus.

#### **TIMING, CONTENT, AND DECISION CRITERIA FOR ISSUING A CRIME ALERT**

- The Clery Act does not define what is *timely*. However, the warning should be issued as soon as pertinent information is available, because the intent of a Clery timely warning is to alert the campus community of a criminal event and any continuing threats that are believed to exist.
- Clery Act regulations do not specify what should be included in a timely warning. However, the warning should include information that would promote actions to encourage security awareness.
- The issuance of a Crime Alert should be decided on a case-by-case basis in light of all of the facts surrounding a crime. These include factors such as the nature of the crime, a continuing danger to the community, and the possible risk of compromising law enforcement efforts to apprehend the suspect(s) if certain information is made public.
- Generally, the Alert should specify the type of reported crime, the time and location where the crime occurred, and specific advice to the community regarding steps to take to avoid becoming a victim of similar crimes.

The decision to issue a Crime Alert is made by the Director of Security or his designee, at times after consulting with The President. The Crime Alert may be issued by any of the Public Information Officers.

A **CRIME ALERT** may be disseminated campus-wide using a variety of methods that include CampusCast, official Shelton State email, advisory posters placed at building entrances and inside locations frequented by members of the campus community, and via social media such as Facebook and Twitter. Sometimes an alert may be isolated to certain areas of the campus because the threat to the entire campus is negligible.

## **EMERGENCY NOTIFICATIONS**

If a potentially life-threatening emergency exists that necessitates an urgent notification to the campus community, such as a tornado warning or active shooter, the institution's CampusCast Emergency Notification System will be used. This message will be promulgated through text messages and emails. The CampusCast Notification System also integrates messages with Facebook and Twitter. The way an individual gets CampusCast messages is entirely their decision. Emergency notifications can be sent by the designated personnel when deemed appropriate.

## **DAILY CRIME LOG**

Shelton State Community College maintains a Daily Crime Log that records the date the incident was recorded, the type of incident, the general location of the incident, and the disposition of the complaint. The department posts criminal incidents on the Crime Log within two business days of receiving a report of an incident. These records are available for public inspection at any Shelton State Campus Security Department any time that the campus is open for business.

## **DEFINITIONS OF CRIMES WHICH MUST BE DEFINED BY THE CLERY ACT**

### **Domestic Violence**

Defined under federal law (42 U.S.C. 13925(a)) as any felony or misdemeanor crime of violence committed by:

- Current or former spouse or intimate partner of the victim
- Person whom the victim shares a child with
- A person who has or is cohabitating with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred or
- By any other person against an adult or youth victim who is protected from domestic or family violence laws of the jurisdiction in which the crime of violence occurred

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant's statement, length of the relationship, type of relationship, and the frequency of interactions between the person(s) involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purpose of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

**Sexual Assault**

Can include any form of actual or attempted sexual activity perpetrated upon a person without that person's consent, including sexual behavior coerced through physical or verbal threats, force, or other forms of manipulation and sexual behavior when one person cannot give consent due to incapacitation.

**Rape**

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his / her age or temporary or permanent mental or physical incapacity.

**Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Consent**

Knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. The request of consent must be specific to each act and should be obtained with each new level of physical and/or sexual contact/conduct in any given interaction, regardless of who initiates it. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct. Consent is the act of willingly and verbally agreeing to engage in specific sexual contact or conduct. Obtaining consent is an ongoing process in any sexual interaction.

**Stalking**

Stalking is defined as intentionally and repeatedly harassing or following a person and intentionally or unintentionally placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property. A person engages in stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

- He or she intentionally and repeatedly harasses or repeatedly follows another person; and
- The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
- The stalker either intends to frighten, intimidate, or harass the person; or knows or reasonably

should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

- If he or she attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed. That constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

## **CONFIDENTIALITY**

Shelton State Community College encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, Shelton State Community College Campus Security /Police cannot hold reports of crime in confidence. Anonymous reports to Campus Safety Authorities may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of the College to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, Shelton State Community College reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide "timely warning notification" as well as inclusion in the annual crime statistics.

## **ARREST STATISTICS RELATING TO ALCOHOL, DRUGS, AND WEAPONS**

For compliance with the Campus Security Act, institutions must also report the numbers of arrests for liquor law violations, drug abuse violations, and weapons possession.

Definitions of crimes for which arrests must be reported also as defined by the National Association of College and Universities Attorneys College Law Digest are:

- Liquor law violations: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages (with the exception of "driving under the influence" or "drunkenness")
- Drug abuse violations: violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use
- Weapons possessions: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons



**CRIME STATISTICS FOR REPORTING PERIODS**

Martin Campus	On Campus			Non Campus			Public Property			Unfounded Cases
	2017	2018	2019	2017	2018	2019	2017	2018	2019	
<b>Type of Clery Crime</b>										
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	1	1	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>										
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	2	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>Arrest</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0
<b>Campus Disciplinary Referrals</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0

CA Fredd Campus	On Campus			Non Campus			Public Property			Unfounded Cases
	2017	2018	2019	2017	2018	2019	2017	2018	2019	
<b>Type of Clery Crime</b>										
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>										
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>Arrest</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0
<b>Campus Disciplinary Referrals</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0

Demopolis Higher Education Center	On Campus			Non Campus			Public Property			Unfounded Cases
	2017	2018	2019	2017	2018	2019	2017	2018	2019	
<b>Type of Clery Crime</b>										
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>										
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>Arrest</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0
<b>Campus Disciplinary Referrals</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0

New Era Building	On Campus			Non Campus			Public Property			Unfounded Cases
	2017	2018	2019	2017	2018	2019	2017	2018	2019	
<b>Type of Clery Crime</b>										
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>										
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>Arrest</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0
<b>Campus Disciplinary Referrals</b>										
Liquor / Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0
Weapons, Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0

## HATE CRIMES

Hate crimes include all of the crimes listed under reportable crimes that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- **Larceny/Theft** – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny
- **Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness
- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack
- **Destruction/Damage/Vandalism to Property (except Arson)** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

The categories of Bias in Hate Crime reporting include **race, gender, gender identity, religion, sexual orientation, ethnic/national origin, and disability**.

## NOTIFICATION TO VICTIMS OF CRIME OF VIOLENCE

Shelton State Community College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by such institution against a student who is alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of the crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purpose of this paragraph.

According to Section 16 of title 18 of the United States Code, the term “crime of violence” means:

- an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense
- The results of a disciplinary proceeding means only the institution’s final determination with respect to the alleged sex offense and any sanctions that is imposed against the accused.

## **SEX OFFENDER REGISTRY**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, and the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. Information about sex offenders in Alabama can be found at: <https://www.alea.gov/node/270>

## **SEXUAL OFFENSES**

Shelton State places a high priority on the safety of all students, employees, and visitors. Any type of sexual misconduct is strictly forbidden at Shelton State. Both college disciplinary procedures and criminal charges may be applied to sexual offenses.

## **EDUCATIONAL PROGRAMS**

Education programs aimed at making the Shelton State community free from sex offenses are administered by the Campus Security.

- Presentations at orientation by Campus Security
- Presentations by Campus Security as requested
- Brochures available in the Campus Security
- Posters throughout the campus community to heighten awareness of sexual assault

## **SANCTIONS**

Upon determination that a student or employee has committed rape, acquaintance rape, or another sexual offense, the following sanctions are available:

- Criminal charges
- Probation
- Suspension from College and/or employment
- Expulsion from College
- Termination of employment
- Ban from College property

## **SEXUAL ASSAULT ELIMINATION ACT**

Enacted in March 2013, the Campus Save Act is the most recent and far reaching in a long line of laws that protect students from sexual violence and harassment. The act requires students, faculty, and staff to be trained in the appropriate response to sexual violence and harassment. These programs will include a discussion of what constitutes sexual harassment and sexual violence, the school's policies and disciplinary procedures, and the consequences of violating these policies.

## **POLICY**

Shelton State places a high priority on the safety of all students, employees, and visitors. Any type of harassment, abuse, physical violence, or intimidation is forbidden. Both College disciplinary procedures and criminal charges may be applied to these offenses.

## **STUDENT BILL OF RIGHTS**

1. Complainants have the right to assistance by all faculty and staff in reporting allegations of harassment, abuse, physical violence, sexual violence, or intimidation.
2. Complainants have the right in choosing the manner in which the complaint is filed.
  - a. The complainant may report the crime to law enforcement.
  - b. The complainant may request a school disciplinary inquiry.
  - c. The complainant may choose both options.
  - d. The complainant may choose not to report the incident.
3. Complainants have the right to confidentiality when reporting allegations of harassment, abuse, physical violence, sexual abuse, or intimidation.
4. Complainants have the right to a thorough and professional investigation that protects the rights of both the accused and the accuser.
5. Complainants have the right to know that criminal sanctions include probation, fines, imprisonment, or counseling.
6. Victims have the right to know that school disciplinary sanctions include probation, suspension, expulsion, counseling, termination of employment, and banning from College property.
7. Complainants have the right to assistance in obtaining orders of protection, no contact orders, and restraining orders by the Campus Police concerning offenses that occur on campus when requested and when probable cause exists.
8. Complainants have the right to know that there will not be a monetary charge for filing criminal or school disciplinary complaints.
9. Complainants have the right to a prompt, fair, and impartial investigation conducted by properly trained individuals conducted by officials who receive annual training.
10. Accusers and accused have the right to simultaneous written notification of outcome at each stage in the process.
11. Accusers and the accused both have the right to appeal code of conduct decisions.
12. Complainants have the right to assistance with accommodations regarding academic and work scheduling when requested and reasonably available; whether or not the offense was reported to law enforcement. The location of the offense does not affect this right.
13. Shelton State Community College will not allow any form of retaliation against a complainant for making an allegation of harassment, abuse, physical violence, or intimidation.

## **INSTRUCTIONS FOR SEXUAL ASSAULT VICTIMS**

In the event you or another person is the victim of sexual assault, it is important to remember details, follow procedures, and notify the proper departments. The single most important thing a victim of rape or sexual assault can do is tell someone - the police, a friend, a medical professional, etc. Rape or sexual assault, whether by a stranger or someone you know, is a violation of your body, your trust, and your

right to choose. The following are recommended procedures to follow:

- Do not shower, wash or change your clothes.
- Do not brush your teeth.
- Preserve any evidence such as clothing, used condoms, towels, tissue, or other items which may be useful for investigation purposes.
- If the incident occurs on campus, contact SSCC Security at 205.391.2377. If the incident occurs off campus, contact 911.
- Seek medical attention immediately. SSCC Security at 205.391.2377 can assist in seeking medical attention. Also, local emergency medical services can be contacted by dialing 911.
- Seek counseling to assist with mental and emotional trauma. Information concerning counseling services available through various agencies can be obtained in the Security Office.

## **RESOURCES FOR SEXUAL ASSAULT VICTIMS**

Turning Point Rape Crisis Center is available for victims of sexual abuse 24 hours a day, 7 days a week. Services provided by Rape Response include mental health counseling and evidence collection. Services are available to victims whether or not the victim decides to contact law enforcement. All services are free and confidential. More information is available by calling 205.758.0808.

## **HOW TO BE AN ACTIVE BYSTANDER**

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is defined as an “individual who observes or witnesses conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” Shelton State Community College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do in the event we want to help. The following link provides useful information to help bystanders make informed decisions: <https://www.nsvrc.org/bystander-intervention-online-learning-opportunities>.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling or being physically abusive toward another person, and it is not safe for you to interrupt.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

## **RISK REDUCTION**

With no intent to victim blame and recognize that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).



## **PROTECTION FROM ABUSE ORDERS**

Shelton State Community College complies with Alabama law in recognizing protection from abuse orders. Any member of the campus community that obtains such order should notify the Campus Security (205.391.2352). Campus Security will assist the complainant with developing a Safe Action Plan. The purpose of this plan is to reduce the risk of harm to the complaint while on campus or traveling to and from campus. Should you need assistance in obtaining a protection from abuse order, please see any member of the Campus Security.

### **Title IX COORDINATOR**

Title IX Coordinator for Student Matters

Anika Lodree	Title IX Coordinator	205.391.2380
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Title IX Coordinator for Employee Matters

Kevin Davis	Human Resources Director	205.391.5337
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For more information concerning Title IX please see

<http://www.sheltonstate.edu/wp-content/uploads/2019/10/Student-Handbook-2019-2020-with-revision-chart.pdf>

## **DRUG AND ALCOHOL FREE CAMPUS**

As required by Section 22 of the Drug Free Schools and Communities Act of 1989 (Public Law 101-226) and in recognition of this institution's responsibility to serve as a beneficial influence on its students, its employees, and the community at large, Shelton State Community College is designated as a drug and alcohol-free campus and will comply with all the provisions of Public Law 101-226.

- Shelton State Community College prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The impairment by alcohol or drugs of any student or employee while participating in the academic or workplace setting is also prohibited. Shelton State College employees, students, and visitors are required to abide by all federal and state laws, local ordinances, and other related state and federal requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.
- Campus Security will provide training upon request.
- Resources
  - Shelton State Community College provides employees with confidential drug, alcohol and mental health services at no cost to the employee.  
American Behavioral Services  
2204 Lakeshore Drive Suite 135  
Birmingham, Alabama 35209  
800.925.5327

- The following is a list of drug, alcohol, and mental health resources for students:

Bradford Health Services  
515 Energy Center Blvd.  
Northport, Alabama 35473  
866.977.7158

Phoenix House  
700 35<sup>th</sup> Avenue  
Tuscaloosa, Alabama 35401  
205.758.3867

### **STUDENT POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES**

Shelton State Community College promotes a drug-free campus. The College has a vital interest in maintaining a safe, healthy, and productive work and academic environment for its employees, students, and the public. As such, Shelton State complies with the federal Drug Free Schools and Communities Act, the Drug Free Schools and Campuses Regulations, the Drug Free Workplace Act, the Controlled Substances Act, the drug regulations mandated by the federal highway administration of the US Department of Transportation, and other applicable federal state and local laws and regulations. Shelton State prohibits the unlawful manufacture, distribution, dispensation, possession, use and/or sale of any controlled substance, including illicit drugs and marijuana of any kind or any amount.

Students that violate this policy are subject to the following disciplinary actions upon completion of due process hearings:

- Probation
- Suspension from College
- Expulsion from College
- Criminal prosecution
- Ban from College property
- Recognized Student Organizations

### **EMPLOYEE POSSESSION, USE OF ALCOHOL AND DRUGS**

Shelton State Community College promotes a drug-free campus. The College has a vital interest in maintaining a safe, healthy, and productive work and academic environment for its employees, students, and the public. As such, Shelton State complies with the federal Drug Free Schools and Communities Act, the Drug Free Schools and Campuses Regulations, the Drug Free Workplace Act, the Controlled Substances Act, the drug regulations mandated by the federal highway administration of the US Department of Transportation, and other applicable federal state and local laws and regulations. Shelton State prohibits the unlawful manufacture, distribution, dispensation, possession, use and/or sale of any controlled substance, including illicit drugs, marijuana, of any kind or any amount.

Employees that violate this policy are subject to the following disciplinary action upon completion of due process hearings:

- Probation
- Suspension
- Termination of employment
- Criminal prosecution
- Ban from College property

## **FEDERAL DRUG OFFENSES AND PENALTIES**

### **POSSESSION OF CONTROLLED SUBSTANCES**

Federal drug possession penalties generally consider only the drug violation history of the offender. With one exception (when the possession is for personal use for which a civil penalty up to \$10,000 may be imposed if first offense), federal penalties for a person convicted of possession of any type or amount of a controlled substance can be:

- up to one year in prison and a minimum fine of \$1,000 for a first offense;
- a minimum of 15 days and a maximum of two years in prison and a minimum fine of \$2,500 for a second drug offense; and
- a minimum of three months and a maximum of three years in prison and a minimum fine of \$5,000 for a third drug offense.

Persons convicted of possession of certain amounts of a mixture or substance containing cocaine base such as crack cocaine face much stiffer penalties under mandatory minimum sentencing, including at least five years in prison, not to exceed 20 years, and fined a minimum of \$1,000 or both, if:

- first conviction and the amount of crack possessed exceeds five grams;
- second crack conviction and the amount of crack possessed exceeds three grams; or
- third or subsequent crack conviction and the amount of crack possessed exceeds one gram (21 U.S.C. 844(a)).

### **FEDERAL DRUG TRAFFICKING**

Federal drug trafficking penalties consider the type and amount of the drug involved, the offender's drug violation history, and other factors. The U.S. Drug Enforcement Administration (DEA) maintains a list of penalties for federal trafficking offenses, a copy of which is incorporated below. Generally for each drug, there is a threshold amount that brings the offender under the mandatory minimum sentencing structure. When death or serious bodily injury results from use of the drugs, first time offenders are subject to a sentence of 20 years to life, and repeat offenders are subject to a mandatory life sentence. A first offense of distributing to persons under age 21 may be punishable by twice the maximum sentence and three times for second offenses (21 U.S.C. §859). If the trafficking is on premises in which a person under age 18 is present or resides, an additional penalty up to 20 years imprisonment may be imposed (21 U.S.C. § 860a). Persons convicted of trafficking within 1,000 feet of a school or

college face penalties twice as high as the maximum penalties, with a mandatory one-year prison sentence for first offenses, and three times as high for second offenses (21 U.S.C. § 860).

### **DRUG PARAPHERNALIA**

Any person who sells, offers to sell, transports, exports, or imports drug paraphernalia is subject to three years imprisonment (21 U.S.C. § 863).

### **OTHER PENALTIES**

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and professional and commercial licenses for up to one year for a first offense and up to five years for subsequent offenses (21 U.S.C. § 862). Federal drug *trafficking* convictions may result in denial of federal benefits for up to five years for a first conviction; *possession* convictions may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions (21 U.S.C. § 862). In addition, for crimes punishable by more than one year in prison, the person will forfeit personal or real property related to the violation, including houses, cars, and other personal belongings (21 U.S.C. § 853 (a)(2) & 881(a)(7)), or vehicles, boats, or other conveyance used to transport or conceal controlled substances (21 U.S.C. § 881(a)(4)). Finally, persons convicted are ineligible to receive or purchase a firearm (18 U.S.C. 922(g)).

FEDERAL TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV, and V (EXCEPT MARIJUANA)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life.</p> <p>Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life.</p> <p>Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base: 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Substance/Quantity	Penalty
Any amount of other Schedule I & II substances	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any drug product containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any amount of other Schedule III drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any amount of all other Schedule IV drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount of all Schedule V drugs	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES FOR MARIJUANA, HASHISH AND HASHISH OIL, SCHEDULE I SUBSTANCES	
<p>Marijuana</p> <p>1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana</p> <p>100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana</p> <p>50 to 99 kilograms marijuana mixture,</p> <p>50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish</p> <p>More than 10 kilograms</p>	
<p>Hashish Oil</p> <p>More than 1 kilogram</p>	
<p>Marijuana</p> <p>less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p>	
<p>Hashish</p> <p>10 kilograms or less</p>	
<p>Hashish Oil</p> <p>1 kilogram or less</p>	

## STATE OF ALABAMA DRUG OFFENSES AND PENALTIES

A list of Alabama statutes regarding controlled substances, marijuana, and drug paraphernalia is incorporated below. Crimes involving controlled substances range from Class A to Class C felonies, punishable by substantial prison terms and/or fines, with enhanced penalties if controlled substances are sold to persons under 18 years of age or within a three-mile radius of campus boundaries of a college or school. Possession of marijuana for personal use is a Class A misdemeanor for the first offense, but elevated to a Class C felony for a second offense. Possessing drug paraphernalia is a Class C misdemeanor, but elevated to a more serious Class B felony if sold to a person under 18 years of age. The Department of Public Safety may suspend a driver's license for six months for persons convicted of a drug offense.

***A drug conviction under state or federal law may make a student ineligible for federal financial aid (loans, grants, work study).*** For more information, see <https://studentaid.ed.gov/eligibility/criminal-convictions#drug-convictions>

STATE OF ALABAMA CONTROLLED SUBSTANCES/MARIJUANA VIOLATIONS AND PENALTIES		
VIOLATION	PENALTIES*	AL CODE §
<b>CONTROLLED SUBSTANCES</b>		
<i>Trafficking:</i> Knowingly sells, manufactures, delivers or brings into state cannabis (in any of its forms), cocaine, heroin, morphine, opium, methaqualone, hydro morphine, methylenedioxy amphetamine, phencyclidine, lysergic acid diethylamide, methamphetamine, or LSD	<b><i>Class A Felony.</i></b>  Imprisonment & fines dependent on amounts Prison: Ranges from 3 years to mandatory life in prison without parole. Fine: Ranges from \$50,000 - \$250,000	13A-12-231
<i>Sale</i> of controlled substance by person over 18 to person under 18	<b><i>Class A Felony.</i></b>  Not eligible for suspended sentence or probation Prison: 10-99 years or life Fine: Not more than \$60,000	13A-12-215
<i>Sale</i> of controlled substance that is on the campus or within a 3-mile radius of campus boundaries of any public or private school, college, university or other educational institution or of public housing	<b><i>Class A Felony.</i></b>  Prison: Add five years to penalty	13A-12-250  13A-12-270
Engages in a criminal enterprise, in connection with 5 or more persons, to <i>traffic</i> in illegal drugs	<b><i>Class A Felony.</i></b>  Prison: 25 years to life w/o eligibility for parole. Fine: Not more than \$500,000; 2 <sup>nd</sup> offense: Prison: mandatory life Fine: \$150,000 - \$1,000,000	13A-12-233



<i>Manufacturing</i> controlled substance if 2 or more of following conditions are present: possession of firearm, use of booby trap, use of clandestine lab within 500 feet of a residence or school, the presence of someone under 17 years of age during the manufacturing process	<b><i>Class A Felony.</i></b>  Not eligible for suspended sentence or probation. Prison: 10-99 years or life Fine: Not more than \$60,000	13A-12-218
<i>Manufacture</i> of a controlled substance	<b><i>Class B Felony.</i></b>  Prison: 2-20 years Fine: Not more than \$30,000	13A-12-217
<i>Distribution</i> of controlled substances (furnished, sold, given away, manufactured, delivered or distributed)	<b><i>Class B Felony.</i></b>  Prison: 2-20 years Fine: Not more than \$30,000	13A-12-211
<i>Possession</i> or receipt of controlled substances	<b><i>Class C Felony.</i></b>  Prison: 1-10 years Fine: Not more than \$15,000	13A-12-212
Person convicted of attempt, criminal solicitation & criminal conspiracy to commit controlled substance crime	Punishable the same as the crime itself	13A-12-202 (c); -203(c);-204(c)
<b>MARIJUANA &amp; DRUG PARAPHERNALIA</b>		
Possession of marijuana in first degree (other than personal use or previously convicted of possession in second degree)	<b><i>Class C Felony.</i></b>  Prison: 1-10 years Fine: Not more than \$15,000	13A-12-213
Possession of marijuana in second degree (for personal use only)	<b><i>Class A Misdemeanor.</i></b>  Jail: Not more than 1 year Fine: Not more than \$6,000	13A-12-214
Use, possession, delivery, or sale of drug paraphernalia	<b><i>Class B Felony for sale to one under 18 by one over 18.</i></b>  Prison: 2-20 years Fine: Not more than \$30,000  <b><i>Class C Felony for sale.</i></b>  Prison: 1-10 years Fine: Not more than \$15,000  <b><i>Class C Misdemeanor for possession.</i></b>  Jail: Not more than 3 months Fine: Not more than \$500	13A-12-260

## **STATE ALCOHOLIC BEVERAGE LAWS AND PENALTIES**

Various Alabama statutes address alcohol-related laws and penalties. Most offenses expose an individual to 30 days to six months in jail and a fine no greater than \$500. Penalties for DUI increase with the number of offenses with the fourth DUI exposing a person to a felony charge, with imprisonment from 1-10 years and fine from \$4,100 to \$10,100. Significantly, the fourth DUI results in mandatory revocation of the person's driver's license for five years. Adults who authorize a party at a residence they control and allow the party to continue with persons under age 21 illegally possessing or consuming alcohol without taking reasonable action to prevent it expose themselves to a \$3,000 fine and up to six months in jail. Finally, in addition to criminal penalties, civil monetary damages are available through the Alabama Civil Damages Act and/or Alabama Dram Shop Act if injuries are caused by a minor who has consumed alcohol.

## **HEALTH RISKS ASSOCIATED WITH USE OF CONTROLLED SUBSTANCES AND ABUSE OF ALCOHOL**

Substance abuse and drug dependency are problems of staggering proportions in our society today. They are the leading causes of preventable illness, disability, and death in the U.S. and afflict millions of Americans. This number increases dramatically when one considers the harm done to the families of substance abusers as well as to those injured or killed by intoxicated drivers or in drug-related work accidents. Alcoholism can develop in anyone. It tends to appear first between the ages of 20 and 40 and to be more prevalent in persons with a family history of alcoholism.

## **ALCOHOL**

Alcoholism is a disorder that has profound psychological, biological, and societal effects. Directly, it affects over 18 million people; indirectly, it affects another 56 million. It is usually characterized by one of three different patterns:

- Regular daily intoxication;
- Drinking large amounts of alcohol at specific times; or
- Periods of sobriety interspersed with periods of heavy daily drinking.

Alcoholism is usually progressive, and physical dependence can develop; if this happens, serious, sometimes life-threatening symptoms can develop when alcohol is withdrawn. Short term effects of alcohol use can include depression, gastritis, liver disease, automobile accidents, and domestic violence. Chronic alcohol abuse can produce irreversible health changes including dementia, sexual impotence, cirrhosis of the liver, and heart disease. Death can occur either as a complication of one of these chronic problems, or acutely, secondary to alcohol intoxication by poisoning or to aspiration of vomitus, or as the result of any automobile accident while driving intoxicated.

## **MARIJUANA (CANNABIS)**

Though physiological consequences do depend on frequency, duration, and quantity of use, marijuana use has been linked to impairment of short-term memory, concentration, judgment, perception, and fine motor skills. Therefore, the use of this drug increases the risk of machinery or motor vehicle accident and injury for four to six hours after ingestion. Impairment of memory may last for three to six

months, even if use of the drug is discontinued completely. The active chemical in marijuana (THC) remains stored in body fat cells long after ingestion. Marijuana use is associated with chronic anxiety, depression, and paranoid feelings. It can exacerbate or increase significantly underlying emotional problems. Frequent and/or ongoing use by children and adolescents may have long term developmental consequences resulting in lack of motivation, apathy, and difficulty managing current stresses and responsibilities, as well as making appropriate plans for the future. Pregnant women who use marijuana may be at a higher risk for giving birth to children with developmental or birth defects.

## **HALLUCINOGENS**

This category includes drugs such as lysergic acid diethylamino (LSD, also known as "acid"), mescaline, psilocybin (also known as mushrooms), and peyote. These drugs cause delusions, hallucinations, and impaired perception of time and space. Phencyclidine (PCP, or "angel dust") and amphetamine variants known as "ecstasy" are included in this category, though they rarely cause hallucinations in the true sense. They are, however, potent drugs that have mind-altering effects and impair perception and cognition. Hallucinogens can produce a "bad trip" with anxiety, agitation, hallucinations, and paranoia leading to impulsive behavior. After a "bad trip," the person can be subject to "flashbacks" which are recurrences of the experiences of the "bad trip" without taking any more of the drug. Psychosis and impaired thinking may result after long-term use.

## **COCAINE**

The use of cocaine, an illegal stimulant drug, has risen dramatically in the United States. Other names for this drug are code, C., lady, and snow. Cocaine is a white powder that is snorted, injected into veins, or smoked freebase or as "crack." Crack is a crystalline form of cocaine that is also known as "rock", from its small, white rock-like appearance. "Speed balls" are cocaine mixed with heroin, which is a particularly dangerous combination. Crack produces the most intense cocaine high; addiction can occur after using it only once or twice. Cocaine highs are characterized by feelings of extreme happiness and a sense of limitless power and energy. However, the physical effects include high blood pressure and heart palpitations. A cocaine "crash" follows the high and includes symptoms of depression, dullness, great irritability, and paranoia. Serious medical complications occur with cocaine use, such as heart attacks (even in young people), seizures, and strokes due to high blood pressure. The psychological effects of cocaine use include violence, paranoia, and personality changes, as well as symptoms such as depression, anxiety, and confusion. Pregnant women using cocaine have increased risk of miscarriages and still-births. Newborns addicted to cocaine are irritable, unresponsive, they are prone to have malformed kidneys and genitals, and to have heart attacks and strokes. Addiction to cocaine controls aspects of the user's life, impinges on the lives of those closest to the user, and occurs in people of all ages, classes, and educational levels.

## **AMPHETAMINES, METHAMPHETAMINE AND OTHER STIMULANTS**

In addition to cocaine, a number of other drugs stimulate the nervous system and are very addictive. Most of them belong to the amphetamine family of drugs. Dexedrine (present in "diet" pills) may at times be prescribed by a physician, but its use as a legitimate medication is now infrequent. Street drugs of the amphetamine group include "ecstasy" and "ice." Ice is a smokable amphetamine compound that is very potent, and the effects are long-lasting and devastating. The health risks of these and other

stimulants are similar to those of cocaine use.

### **NARCOTICS, INCLUDING HEROIN**

Various medications are taken to relieve pain. Most non-prescription pain relievers (such as aspirin, Tylenol, Motrin, and Nuprin) are not considered addictive. However, there is a class of stronger pain relievers, available by prescription only, which are referred to as narcotics and most of which are opiates. Examples of these drugs include morphine, codeine, Tylenol No. 3, Darvon, Darvocet, Percocet, Percodan, Demerol, and certain prescription cough medicines. These drugs differ from non-prescription pain relievers in their potential for abuse and dependence. With close medical supervision, these drugs may be safely used in specific medical circumstances for a limited time. However, addiction may occur, and the person may not want to stop the drug even when the pain has stopped. Tolerance to the drug is shown by an increase in the amount of drug necessary to relieve pain. This becomes progressive and leads to the craving or need for larger and larger doses, without which the person becomes extremely uncomfortable and physically ill. The time may come when the person "needs" such a large dose of the drug that it is poisonous or lethal. Under these circumstances, coma, suffocation, and death may ensue. The malignant course of this problem is similar to that of addiction to heroin. Although heroin is not available by prescription, it is a narcotic which belongs to the same chemical family as the above drugs. The use of heroin is mainly by injection into a vein, which carries the additional medical dangers of contracting AIDS and hepatitis from unclean needles and syringes.

### **SEDATIVES AND TRANQUILIZERS**

Barbiturates and benzodiazepines are two of the most commonly used classes of sedatives. Barbiturates (such as Phenobarbital, Seconal, and Amytal) are highly addictive and can be fatal if taken in excess. Although they still have medical uses, they have largely been replaced by benzodiazepines, used for relief of anxiety and to promote sleep. Benzodiazepines include such drugs as Valium, Librium, Ativan, Xanax, Dalmane, Halcion, and Restoril. While safe and effective at moderate doses for short periods of time (weeks), all benzodiazepines have a potential for physical and psychological dependence if used at higher doses for longer periods of time. Frequently, benzodiazepines are abused by adults who become dependent on them because of their anti-anxiety effects. Other tranquilizers which may be abused include methaqualone (Quaaludes), Doriden, and Equanil. Intoxication may result from benzodiazepine use and resembles alcoholic drunkenness. Drowsiness, slurred speech, unsteady gait, and lack of coordination are common signs. The effects of benzodiazepines (barbiturates and other sedatives) add to those of alcohol; taken together, they can lead to coma and even death. Withdrawal from benzodiazepines resembles alcohol withdrawal and is most apparent if the drugs are stopped abruptly. Withdrawal takes place within hours to days of stopping the drug. Once a person is addicted to benzodiazepines, a physician should supervise the plan for gradually stopping them, to minimize serious effects of withdrawal.

### **IMPACT OF SUBSTANCE ABUSE ON FAMILIES**

Families are often gravely affected by a substance-abusing member. This can occur on many levels. As a very direct, physiological consequence, the infants of alcohol and cocaine-abusing mothers often have low birth weight and may suffer from malformations and a variety of developmental problems. In addition, abusers often affect the economic well-being of their families as their inability to hold down a

job or, in some instances, their stealing from relatives, reduces the family's financial means and stability. In many cases substance abuse leads to violence at home. Substance abuse takes an emotional toll on the functioning of individual members and the family. Family members may actively deny the problem, may become symptomatic in an effort to deflect attention from the substance-abusing member, or may assume the abuser's responsibilities at home and even at work. On the other hand, very often the family's intervention with the user is an essential step in getting the abusing member to seek treatment. Support groups or family members, such as Al-Anon, Nar-Anon or COC-Anon, as well as family therapy can provide needed assistance to families as they confront the destructive effects of the user's addiction.

## **RECOGNIZING SIGNS AND SYMPTOMS OF ALCOHOL AND SUBSTANCE ABUSE**

Everyone occasionally has days when they exhibit behavior not normally associated with an educational or work environment nor characteristic of himself or herself. Unusual behavior during times of stress can be understood and accepted. However, when unusual behavior is displayed on a gradually increasing scale accompanied by general decline in work habits over a period of time, it indicates that an individual needs professional help. Below are some of the more common signs or symptoms of unusual behavior.

- **Absenteeism and Tardiness**
  - Arriving late and leaving early
  - Absences before and after payday or holidays
  - Sporadic but significant use of sick time
  - Taking frequent breaks
  - Unexplained absences
  - Friday and Monday absences
  - Absences due to accidents both on and off the work site
  
- **Impaired Job Performance**
  - Increasing operating errors
  - Lost time on the job
  - "Putting things off"
  - Irresponsibility in completing tasks
  - Faulty decision making
  - Increased accident rates
  - Wasted materials or damaged equipment
  - High performance that slowly declines over time
  - Job performance that becomes focused on a specialized, repetitious activity (rather than the entire array of job duties)
  - Irregular or non-existent office hours
  - Sudden, extreme gaps in performance (missing a grant deadline, unexpected missing of final exams)
  
- **Unusual Interpersonal Interactions**
  - Sudden emotional outburst including anger, tears, laughter
  - Mood swings, especially early or late in the work day

- Overreactions to criticism
- Blaming others for poor performance
- Making inappropriate statements
- Rambling or incoherent speech
- Isolation from co-workers or increasing social withdrawal
- **Declining Physical Appearance (sudden or gradual)**
  - Poor personal hygiene (e.g. body odor or dirty hair, nails, and skin)
  - Less interest in dress and appearance (or a noticeable decline from previous meticulousness)
  - Glazed or red eyes
  - Slurred speech
  - Poor coordination, staggering
  - Tremors, poor eye-hand coordination
  - Frequent gastrointestinal distress
  - Deterioration of oral hygiene
  - Legal problems, such as arrest for driving under the influence (DUI)
  - Domestic situation, including children's drug use (children of alcoholics sometimes have drug abuse problems)
  - Financial concerns, such as high debt load, bad loans, wages garnished, unusual spending patterns

## **COMMUNICATION**

To ensure all employees are aware of their critical roles, they receive a summary of the Alcohol- and Drug-Free Workplace policy, along with a link to the complete document, health risks, and legal implications during the annual notification of policies. Shelton State Community College will make good faith efforts to have and maintain an alcohol and drug-free workplace.