

I. Unauthorized Access

Loopholes in computer security systems or knowledge of a special password should not be used to damage the computer system, obtain extra resources, take resources from another user, gain access to systems or use systems for which proper authorization has not been given.

J. Copyright

Computer software protected by copyright is not to be copied from, into, or by using campus computing facilities, except as permitted by law or by the contract with the owner of the copyright.

College networks and equipment may not be used to violate copyright laws. The unauthorized reproduction of copyrighted materials, including illegal downloading or sharing of copyrighted music, movies, books, etc., is a serious violation of NW-SCC's Network Usage Policy as well as U.S. Copyright Laws.

Summary of Civil and Criminal Penalties for violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Peer-to-Peer file sharing is prohibited by Northwest-Shoals Community College

K. Violations

Appropriate disciplinary action will be taken against individuals found to have engaged in prohibited use of the College AS400 or PC network/internet resources. The following sanctions could be imposed for a violation of any of the policies and procedures stated herein.

1. Immediate loss of access.
2. Additional disciplinary action to be determined by the college in line with existing policies.
3. Legal action, when applicable.

L. Additional Guidelines

System administrators will establish more detailed guidelines, as needed, for specific computer systems and networks. These guidelines will cover such issues as allowable connect time and disk space, handling of unretrievable mail, responsibility for account approval and other items related to administering the system.

Violence Against Women's Act Policy

Northwest-Shoals Community College follows the regulations of the Violence Against Women Reauthorization Act ("VAWA") under the Campus Sexual Violence Act ("SaVE Act") provision, Section 304.

Under VAWA, Northwest-Shoals Community College requires:

- Reporting of domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopting certain student discipline procedures, such as for notifying purported victims of their rights; and
- Addressing and preventing campus sexual violence.

VAWA's SaVE Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. VAWA's SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery.

Parsed for clarity, these offenses are defined:

1. "Domestic violence" includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
2. "Dating violence" means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
3. "Stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

In addition, prevention training is provided for students in the College's Student Success class as well as mid-day seminars throughout the semester.

Sexual Harassment

Definition: Sexual harassment is a violation of Title IX of the 1972 Education Act. Sexual harassment consists of any unwelcome verbal or physical conduct of a sexual nature where submission to such conduct is an explicit or implicit term or condition of employment. Sexual harassment is defined as any behavior of a sexual nature that denies, limits or adversely affects the emotional well being or academic progress of any student enrolled at this institution. In addition, any unwelcome sexual conduct that unreasonably interferes with an individual's

performance or creates an intimidating, hostile or offensive working environment can constitute sexual harassment even if it leads to no tangible or economic job consequences. This may include the viewing of sexually offensive web sites on the internet while on College property or in a College sponsored program.

Sexual harassment under any of the above definitions is a violation of school policy at the College and will not be ignored, tolerated, or condoned. The College administration will take all necessary steps to insure that sexual harassment, in either the hostile environment or “quid pro quo” forms, does not occur on campus or at any event/activity sponsored by this College. This policy applies to all members of the College community. Students of the College community are encouraged to promptly report complaints about sexual harassment to the Title IX Coordinator.

Sexual Assault

It is the policy of the College that no student or employee may threaten the health and safety of a member of the College community, of any person on College property, or at a College sponsored or supervised activity, through the commission of sexual assault, including acquaintance/date rape.

Definition: The College recognizes and adopts the definition of rape as defined in the Alabama Criminal Code. Additionally, the College acknowledges acquaintance rape in its definition of sexual assault. Acquaintance rape is defined as forced, manipulated or coerced sexual intercourse by a friend or an acquaintance. It is an act of violence, aggression and power in which a victim under protest is forced to have sex through verbal coercion, threats, physical restraints, and/or physical violence.

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

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

- f. The right to access counseling services established by the College.

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

- a. The right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact or proximity with alleged assailants;
- b. The right to be informed of the disciplinary proceedings as well as the outcome of such proceedings; and
- c. The same right to assistance, or ability to have others present, which is afforded to the accused during any campus disciplinary proceedings.

Disciplinary Action: In addition to any criminal or civil actions which may be pending or in process, the College reserves the right to pursue separate disciplinary action. Persons found responsible for sexual assault may expect disciplinary actions up to and including dismissal from the College. Policies and procedures contained in the Student Code of Conduct will be followed in all disciplinary procedures.

The College provides programs to promote awareness of rape, including acquaintance/date rape. Guest speakers such as doctors, law enforcement officers, and crime victim’s assistance are invited to campus to speak to students in both small and large group settings. Mandatory residence hall meetings and videos are used to increase awareness.

Responding to Sexual Assault Cases

1. **Immediate Response:** College personnel are willing and able to assist victims of sexual assault. The Assistant Dean and the Chief of Campus Safety should be contacted immediately.
2. **Delayed Reports:** Victims often delay disclosing information to others about their sexual assault. When a delayed report occurs and the victim is a student, he/she may be referred to the Counseling Center for personal counseling and assistance in reporting the assault to the proper authorities.
3. The Assistant Dean will ensure that the consideration and rights to be afforded victims of sexual assault, as detailed in the College Sexual Assault Policy, are met. An effort will be made to have two College officials respond to the victim as soon as possible. This will allow one person to provide support and counsel, while the other person contacts appropriate individuals or agencies as needed.
4. All victims of sexual assault will be assisted in contacting appropriate legal authorities or service agencies (see below). Depending on the nature of the situation (i.e., physical and mental condition of the victim, immediacy of incident) and with the input of the victim, one or more of the following entities will be contacted as soon as possible but prior to the College officials leaving the assault victim:
 - a. Rape Response Inc. - Phone 256.767.1100

- b. Police Departments
 - Campus Police Main Office - 256.627.1526
 - Muscle Shoals - 256.383.6746
 - Tuscumbia - 256.383.3121
 - Phil Campbell - 205.993.5313
 - Colbert County Sheriff - 256.383.0741 or 256.386.8550
 - Franklin County Sheriff - 256.332.8811

The responding police officer will investigate the incident, collect any evidence and refer the victim to the appropriate services. An immediate police notification is important so that if the victim wishes to press criminal charges, the evidence at the scene may be preserved.

- c. Hospitals
 - Medical Center Shoals - 256.386.1600
 - Helen Keller Memorial Hospital - 256.386.4196
 - Russellville Hospital - 256.332.1611
5. The Assistant Dean or designee will determine:
- a. Additional actions which may be taken to assist the victim in dealing with the aftermath of the incident. For example, contacting faculty members to ask for extensions to complete work assignments and serving as a resource for continued support;
 - b. The need to notify additional College personnel (i.e., administrators, Public Relations, etc.);
 - c. Procedure for further investigation of the incident and possible disciplinary action.

Sexual Assault Response Team Members

Campus Safety

Director of Campus Safety - 256.627.1526
 Office of the President - 256.331.6211 Phil Campbell
 256.331.5215 Shoals
 Crystal Reed - 256.331.5249

Counseling Services

Ken Brackins - PC Campus 256.331.6242
 Kim Tucker - Shoals Campus 256.331.8060

Restroom Policy

Restrooms and locker rooms are designated separately for women or men unless otherwise posted. Any individual using the other biological gender's restroom or locker room shall be subject to discipline. If unisex or separate facilities are available, they may be offered as an alternative for the transgender individual.

Services for Persons with Disabilities

The College has the following physical facilities for disabled students:

1. All parking lots have designated parking areas equipped with wheelchair ramps and guard rails.
2. Restrooms are equipped with holding rails and stalls large enough to accommodate wheelchairs.
3. All buildings have elevated entrances to accommodate wheelchairs.
4. Drinking fountains and lavatories are designed to accommodate wheelchair persons.
5. The residence hall facility has rooms designated to accommodate the physically challenged.

All programs and facilities are available for qualified disabled applicants. Career guidance is available to assist disabled applicants in selecting a program in which they can be reasonably sure of success. Counselors and academic advisors will assist applicants in selecting an appropriate program of study. If needed, appropriate accommodations are available for disabled students through the ADA office.

Students who believe that special instructional accommodations should be made for them due to a disability should obtain an Accommodations Request Form from the ADA Coordinator, 256.331.5262. Information regarding special accommodations is also included in each course syllabus. It is the student's responsibility to request accommodations. Documentation of need for accommodation may be required. The College will make every effort to provide reasonable accommodations. Contact the ADA Coordinator for more information, 256.331.5262 or 256.331.6261

Criteria for Disability Documentation

The Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 state that qualified students with disabilities who meet the technical and academic standards at Alabama Community College institutions are entitled to reasonable accommodations. Under these laws, a disability is defined as any physical or mental impairment which substantially limits a major life activity, a history of such an impairment, or the perception of such an impairment. Alabama Community College System institutions do NOT provide disability documentation for students. It is the student's responsibility to request accommodations and to provide appropriate documentation to the College office responsible for handling the request. Appropriate documentation is defined as that which meets the following criteria:

Health Condition, Mobility, Hearing, Speech or Visual Impairment

A letter or report from treating physician, orthopedic specialist, audiologist, speech pathologist, ophthalmologist, or other specialist as appropriate, to include the following:

1. clearly stated diagnosis;
2. defined levels of functioning and any limitations;
3. current treatment and medication; and
4. current letter/report, dated and signed.

Psychological Disorder

A letter or report from a mental health professional (psychologist, neuropsychologist, licensed professional counselor), to include the following:

1. clearly stated diagnosis (DSM-IV criteria),
2. defined levels of functioning and any limitations;
3. supporting documentation (i.e. test data, history, observations, etc.);
4. current treatment and medication; and
5. current letter/report, dated and signed.

Traumatic Brain Injury (TBI)

A comprehensive evaluation report by a rehabilitation counselor, speech-language pathologist, orthopedic specialist, and/or neuropsychologist (or other specialist as appropriate), including:

1. assessment of cognitive abilities, including processing speed and memory;