

## **STUDENT CODE OF CONDUCT**

The Student Code of Conduct is an articulation of South Texas College's commitment to maintaining an environment that recognizes and supports the rights of its students, while providing a guide for defining behaviors the College considers inappropriate.

When students fail to act in accord with the rules and regulations of the South Texas College community, the College must hold them accountable for their actions. The purpose of the student conduct system is not solely to punish students for transgressions, but to help them understand and accept their obligations as citizens of this academic community.

Whenever possible, sanctions for violations of the Student Code of Conduct may be educational in nature. However, violations affecting the health and safety of members of the College community are deemed to be the most serious. Therefore; acts of violence, threats or dangerous behavior are most likely to result in a suspension or expulsion from the College. Students committing acts of academic dishonesty may also face suspension or expulsion from the institution and/or a reduced or failing grade.

The Director of Student Life shall have primary authority and responsibility for the administration of student discipline. The Site Coordinators and Coordinator for Judicial Affairs/Ombudsperson may assist the Director of Student Life in the administration of student discipline as designated by the Director of Student Life.

### Definition of Terms

Aggravated Violation - a violation which resulted or could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of College activities.

Student - any person who is taking or auditing classes at the College, or who is registered to take or audit classes at the College.

### Temporary Disciplinary Action

Temporary disciplinary action may occur when the continuing presence of the student poses danger to persons or property or disrupts the educational process. Temporary disciplinary action may be followed by a formal investigation.

1. When a College Administrator receives information that a student has allegedly violated the Student Code of Conduct or a College policy, the Administrator may impose immediate disciplinary action, including suspension, pending an investigation. The Administrator may suspend the right of a student to be present on campus and to attend classes, or otherwise alter the status of a student when an emergency exists which requires immediate action to preserve safety and a conducive learning environment.
2. South Texas College supports the right of faculty to maintain discipline in the classroom. When a student is being disruptive in the classroom, clinical or other academic setting, the faculty member may temporarily or permanently remove that student from class.

## Administration of Student Discipline outside the Classroom

When the College alleges a student to have violated College policies that can result in disciplinary action, the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson shall investigate the allegation.

The following process will be utilized in conducting an investigation:

1. The student will be notified of the charge against him/her.
2. The student shall be afforded the opportunity to present information in support of his/her case and to admit or deny the accusation.
3. The Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson may seek professional assistance and advice or take other measures to insure fair disposition of the matter.
4. Within 5 working days after the student is heard by the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson, the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson shall present an explanation of the decision to the student explaining the College's view concerning the matter and any penalty to be imposed upon the student. The explanation will include detailed information regarding the appeal process should the student wish to challenge the decision.
5. The student will have the opportunity to accept the decision of the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson or request a hearing before a committee. Should the student wish to present his/her case to the Hearing Committee, the following procedures will be followed:
  - a. Within 5 days the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson will form an ad hoc Hearing Committee consisting of one counselor, one faculty and one student representative from the Student Government Association. The accused student may request that a Hearing Committee member be disqualified on the ground of personal bias.
  - b. The Hearing Committee members, the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson, the accused student and his/her advisor (if desired) will meet at an agreed upon time to review the complaint, hear witnesses (if called) and render a decision. During the hearing; formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, will not be used. The role of an advisor will be limited to providing confidential advice to the accused student. Even if accompanied by an advisor, an accused student must respond to inquiries from the Hearing Committee.
  - c. The Hearing Committee will render a decision based upon a "clear and convincing" standard of proof. A "clear and convincing" standard of proof requires a finding that the facts asserted are highly probable, in contrast to a preponderance of the evidence standard, which requires a finding that the facts presented are probably true.
  - d. The explanation of the Hearing Committee's decision will include detailed information regarding the appeal process should the student wish to challenge the decision.

## Administration of Student Discipline in the Classroom

The primary responsibility for managing the classroom environment rests with the faculty. Each faculty member determines what behavior is appropriate or not appropriate in their classroom. Inappropriate behavior may include speaking on a cellular telephone during class, persistently speaking without being called upon, refusing to be seated, disrupting the class by leaving and entering the room without authorization, etc. When students exhibit inappropriate behavior in the classroom, clinical or other academic setting, the faculty member may temporarily or permanently remove that student from class according to the following procedures:

1. Upon the first occurrence, the faculty member will:
  - a. Speak with the student and inform him/her that he/she has violated appropriate standards of classroom behavior.
  - b. Verbally warn the student that a repeat occurrence may result in permanent expulsion from the class. Obtain a commitment from the student that the inappropriate behavior will cease.
  - c. Permanently remove the student from the class on the first occurrence, if the infraction is serious enough to warrant immediate expulsion.
  - d. Document the situation and the conversation with the student and keep the documentation.
  
2. Upon the second occurrence, the faculty member will:
  - a. Drop the student from class and assign a grade of "W" or "F."
  - b. Document the situation and the conversation with the student and keep the documentation.

Should the Faculty member believe that the student has committed an aggravated violation of the Student Code of Conduct, the student will be referred to the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson for investigation.

## Types of Misconduct

The College reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing disciplinary action for any violation of the Student Code of Conduct, on or off-campus, that affects the College's educational interests. Specific examples of misconduct occurring on or off-campus for which students may be subject to disciplinary action include, but are not limited to, the following:

1. Commission of any criminal offense under federal, state, or local law; or advocating or recommending, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law.
2. Conducting oneself in a manner that significantly endangers the health or safety of other persons on campus or at an authorized function sponsored by the College. Students must understand that threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly.
3. Commission of an act of violence. Acts of violence include:
  - a. Arson
  - b. Assault offenses
  - c. Burglary
  - d. Robbery
  - e. Kidnapping/abduction
  - f. Forcible and non-forcible sex offenses
  - g. Criminal homicide (manslaughter by negligence)
  - h. Criminal homicide (murder and non-negligent manslaughter)
  - i. Destruction, damage, and vandalism of property
4. Sexual assault against the will of the victim, by force or without consent, or where the victim is incapable of resistance because of mental or physical incapacity.
5. Stealing, destroying, defacing or damaging campus property or property belonging to another.
6. Theft of property or services and/or knowing possession of stolen property. Theft over \$50.00 is considered an aggravated offense.
7. Use of College equipment or computers for illegal or inappropriate purposes such as gambling, accessing pornographic web sites, sending or forwarding vulgar or pornographic e-mails, printing pornographic images, etc.
8. Failure to comply with the directive of a College official or Campus Security Officer acting in the performance of his/her duties.
9. Failure to meet financial obligations to the College, including the issuance of a check without sufficient funds.
10. Misuse of fire or other safety equipment.
11. Giving false testimony or other evidence at any College disciplinary proceeding.
12. Unauthorized use or possession of ammunition, firearms, or other weapons.

13. Gambling in any form.
14. Use or possession of an intoxicating beverage or being intoxicated. Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance or being under the influence of said drug, narcotic, or controlled substance.
15. Forgery, alteration, or misuse of College documents, forms, or records, or of College-issued identification cards.
16. Intentionally or recklessly subjecting any person to risk of bodily harm, or severe emotional distress; or causing or encouraging any person to commit an act that would be a violation of law or college regulations; for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization (hazing).
17. Intentionally and substantially interfering with the freedom of expression of others. There is no right to protest within a College building or at College sponsored activity in such a way that any College activity is disrupted. The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue.
18. Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or object which is flammable, or which could cause damage by fire or explosion to persons or campus.
19. Unauthorized entry into or use of campus facilities; or possession of and/or making use of College keys for unauthorized purposes.
20. Failure to heed an official summons to the office of an administrative officer within the designated time or failure to heed an official summons issued by any campus disciplinary or appeals proceeding.
21. Failure to maintain a current official mailing address with the Office of Admissions and Records, or giving a false or fictitious address to such office.
22. Knowingly initiating, communicating, or circulating a false alarm or report which would ordinarily result in action by any agency organized to deal with emergencies, place a person in fear of imminent serious bodily injury, or prevent or interrupt the occupation of a building, room or any mode of conveyance.
23. Harassment by any means in which an individual intentionally threatens to take unlawful action against any person and by this action intentionally, knowingly, or recklessly annoys or alarms the recipient or intends to annoy or alarm the recipient.
24. Disruptive activities that interfere with instructional activities or the functions that support instruction.
25. Use of vulgar or abusive language that demeans others or interferes with fulfillment of the College's mission and purpose.
26. Violations of other published College regulations or policies. Such regulations or policies may include computer use, use of College facilities, parking rules and regulations and regulations governing student organizations.

27. Academic dishonesty. Incidents involving academic dishonesty are typically handled by the course instructor or academic department. In some instances, cases involving academic dishonesty may be referred to the Director of Student Life, Site Coordinator or Coordinator for Judicial Affairs/Ombudsperson for adjudication. Types of academic dishonesty include, but are not limited to:

a. Cheating

- Copying from another student's work.
- Using or possessing materials not authorized by a testing proctor (such as lessons, books, notes, calculators, etc.).
- Knowingly using or soliciting, in whole or part, the contents of an un-administered test.
- Collaborating with or seeking aid from another student without authorization during a test.
- Substituting for another person, or permitting another person to substitute for oneself, in taking a course test or completing any course-related assignment.
- Using, buying, stealing, or transporting some or all of the contents of an un-administered test, homework answer sheet, or computer program.
- Using, buying, stealing, transporting, or soliciting a test, test facsimile, answer key, or other written works.

a. Plagiarism

- The appropriation, buying, receiving as a gift, or obtaining by any means someone else's work and then submitting that work for credit as if it were one's own without appropriate acknowledgment to the author.

b. Collusion

- Unauthorized collaboration with another person in the preparation of an academic assignment offered for credit.

## Types of Sanctions

Should the investigation determine the allegation(s) to be confirmed, one or more of the following sanctions may be imposed:

1. Oral or written warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. Requirement that the student complete a special project which may be, but is not limited to, writing an essay, attending a special class or lecture, registering for a College course, attending counseling sessions, or completing a community service project.
3. Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension. Violations of the terms of disciplinary probation, or any other violation of the Student Code of Conduct during the period of probation, will normally result in suspension or expulsion from the College.
4. Exclusion from participation in privileged or extra-curricular institutional activities, athletics or other student activities for a specified period of time, including ineligibility from participation in a student organization for a specific period of time.
5. Bar against re-admission to the College or a College program for a specific period of time.
6. Restitution, whether monetary or by specific duties, for damage to or appropriation of College, student, or employee property.
7. Withholding of an official transcript, degree, or certificate of completion; or denial, non-recognition or revocation of a degree. The College reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious disciplinary violations committed by a student prior to the student's graduation.
8. Withdrawing from a course with a grade of "W" or "F."
9. Failing or lowering a grade on a test, course, or other academic work and/or performing additional academic work not required of other students in the course.
10. Suspension from the College for a specified period of time. During such suspension a student shall not attend classes or participate in any College campus activities.
11. Loss of eligibility for a student grant or loan.
12. Permanent expulsion from the College.

### Disciplinary Appeal Process for Aggravated Violations and Violations Occurring outside the Classroom

The student may appeal the decision of the Director of Student Life, Site Coordinator, Coordinator for Judicial Affairs/Ombudsperson or Hearing Committee to the Vice President for Student Services and Development. This appeal must be made in writing and received in the Vice President's office within 5 working days of receiving notice of the Director of Student Life, Site Coordinator, Coordinator for Judicial Affairs/Ombudsperson or Hearing Committee's decision. Upon receipt of the appeal, the Vice President shall have 5 working days to review the appeal, hear witnesses if he/she so chooses, and render a decision. The decision of the Vice President for Student Services and Development concludes the approved South Texas College disciplinary appeal process. An appeal to the Vice President for Student Services and Development may result in one of the following:

1. Affirm the action of the Director of Student Life, Site Coordinator, Coordinator for Judicial Affairs/Ombudsperson or Hearing Committee.
2. Dismiss, reduce, modify, or increase the penalty or other sanction imposed by the Director of Student Life, Site Coordinator, Coordinator for Judicial Affairs/Ombudsperson or Hearing Committee.

### Disciplinary Appeal Process for Violations Occurring in the Classroom

The student may appeal the decision of the faculty member to the appropriate Program Chair. This appeal must be made in writing and received in the Program Chair's office within 5 working days of the student's receiving notice of the faculty member's decision. Upon receipt of the appeal, the Program Chair shall have 5 working days to review the appeal, hear witnesses and render a decision. The written appeal shall form the basis for the appeal unless the Program Chair decides to hear witnesses. The decision of the Program Chair concludes the approved South Texas College disciplinary appeal process.

An appeal to the Program Chair may result in one of the following:

1. Affirm the action of the faculty member.
2. Dismiss, reduce, modify, or increase the penalty or other sanction imposed by the faculty member.