



**SOUTH TEXAS  
COLLEGE**

**2017-2018**

**Code of Student Conduct**

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**Footnote:**

All references to “days” within this Code are calendar days.

All references to the Director of Student Conduct or the Office of Student Conduct refer to those people, or offices, or their designees.

**Accreditation Statement:**

**South Texas College is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award the Baccalaureate and Associate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of South Texas College.**

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**Attribution:**

The South Texas College Code of Student Conduct is adapted in part from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.

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## **Equal Education And Equal Employment Opportunity**

South Texas College is an equal education and equal employment opportunity/affirmative action employer. As an equal opportunity employer, the College does not discriminate on the basis of race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender expression, gender identity, pregnancy, disability, genetic information, or veteran status. Discrimination is prohibited and the College will comply with all applicable College policies, and state and federal legislation. This policy extends to individuals seeking employment with and admission to the College.

## **Rights Of Individuals With Disabilities**

South Texas College complies with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act of 1990, and does not discriminate on the basis of a disability in the areas of admission, accessibility, treatment, and employment. Individuals with disabilities, as defined under the law, who are otherwise qualified to meet the institution's academic and employment requirements will be provided with services and resources accordingly. Students and employees must submit the appropriate documentation of the disability by a qualified professional whose license or credentials are appropriate to diagnose. For students with disabilities, reasonable accommodations are made to allow the individual student to be successful at South Texas College. Accommodations are provided for those students who submit the documentation of the disability by a qualified professional whose license or credentials are appropriate to diagnose the disability. South Texas College supports efforts in making the campus more accessible and encourages individuals with disabilities to participate in all activities. Students seeking assistance should contact the Office of Student Disability Services. Employees should contact the Human Resources Department.

## **Statement On Alcoholic Beverages, Tobacco, And Other Substances**

In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226) and Texas House Resolution 2253 and Senate Resolution 645 (passed in 1987), South Texas College forbids the unlawful manufacture, possession, sale, use or distribution of illegal drugs and alcoholic beverages at on-and off-campus college-sponsored events. Each of these statutes requires colleges and universities to clearly inform students that no illegal drugs (including unlawful possession of alcohol) will be allowed on campus (inside buildings and on campus property), and that students who are found guilty of such violation(s) will be penalized. South Texas College also prohibits smoking and the use of tobacco products in all college buildings. Violators of this policy may be subject to disciplinary action. Students seeking assistance or educational materials about alcohol, drugs, tobacco or other substances should contact the office of Student Support Services. Violators will be penalized. For a copy of the Biennial Drug Free Schools and Communities Act Report for South Texas College, please contact the South Texas College Department of Public Safety.

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## **Discrimination, Harassment, Retaliation, And Sexual Misconduct**

Sexual harassment in the workplace and schools is an illegal practice under Section 703 of Title VII of the 1964 Civil Rights Act as amended, and Title IX of the Education Amendments of 1972. South Texas College complies with Section 703 of Title VII of the 1964 Civil Rights Act, as amended, and Title IX of the Education Amendments of 1972. Sexual harassment of employees or students at South Texas College is strictly forbidden and will not be tolerated in any division, department, or any work unit by any employee or student. Retaliation against anyone raising concerns about sexual harassment or anyone participating in an investigation of sexual harassment is prohibited. For further details please refer to Manual of Policy 4216 - Discrimination, Harassment, Retaliation, and Sexual Misconduct. <http://admin.southtexascollege.edu/president/policies/pdf/4000/4216.pdf>

Any employee or student who is found to have engaged in such conduct will be subject to appropriate disciplinary action, up to and including dismissal, expulsion, or suspension. This policy will be applied without regard to the sex or gender of the employee involved.

### **Clery Act**

The Department of Public Safety prepares a crime statistics report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Each year, notification is made to all enrolled students providing the web site (<https://www.southtexascollege.edu/stcdps/cleryact.html>) to access this report. Faculty and staff receive similar notification. Hard copies of the report may also be obtained at the South Texas College Department of Public Safety, located at 2509 W. Pecan Blvd., McAllen, Texas.

### **Title IX**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. The College is committed to providing an environment free from discrimination on the basis of sex or gender. Title IX is often perceived as a law that applies only to athletic programs; however, Title IX is much broader and protects all students, employees, and visitors to campus from sex- and gender-based discrimination and retaliation.

### **Students Responsibility for Information Contained Within this Code**

South Texas College students are responsible for knowing the information and complying with the policies and procedures outlined in the Code of Student Conduct. All questions arising from the verbiage of this Code are subject to the interpretation of the Director of Student Rights and Responsibilities. South Texas College reserves the right to make changes to this code at any time and as necessary; once these changes have been made they will be posted online, whereby they

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will take effect. Students are encouraged to check online at <http://www.southtexascollege.edu/> for the updated versions of all South Texas College Board of Trustees approved policies and procedures. This code is not intended to create any legal rights beyond the background laws framing such codes, generally.

### **Notice of Right and Authority to Update this Code**

To assure continued compliance with Title IX and/or any other state or federal laws, if state or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change, or conflict with current college policy and/or procedure including but not limited to the hearing procedures set forth in this Code, the College's procedures will be deemed amended as of the time of the decision, ruling, legislative enactment or guidance.

### **Revision**

The *Code of Student Conduct* will be updated annually under the direction of the Dean of Student Affairs and the Office of Student Conduct with a comprehensive revision process being conducted every 3 years.

**The current version of the South Texas College Code of Student Conduct Updated May 4, 2016 supersedes all previous versions of this code.**

### **Dates Revised:**

- Update September 1, 2012
- Update September 1, 2013
- Update September 1, 2014
- Update September 1, 2015
- Update September 1, 2016
- Update September 1, 2017

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## **Preface**

### **South Texas College Core Values:**

*Student Success:* We promote student success and completion through the implementation of diverse strategies and initiatives.

*Opportunity:* We value providing access and opportunities to students to meet the needs of our communities.

*Excellence:* We value excellence in teaching, learning, and all support services.

*Innovation:* We encourage creativity and champion innovative approaches to teaching, learning, and services.

*Community:* We value engaging the community in students' learning experiences and in the positive transformation of our region.

*Professionalism:* We demonstrate professionalism through collegiality, respect, and recognition for each other.

*Collaboration:* We value collaboration and communication among STC employees and STC constituents.

*Integrity:* We value integrity through honest and transparent communication and courageous dialogue.

### **Office of Student Conduct Core Values of Student Conduct:**

*Integrity:* College students exemplify honesty, honor and a respect for the truth in all of their dealings.

*Community:* College students build and enhance their community.

*Social Justice:* College students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.

*Respect:* College students show positive regard for each other, for property and for the community.

*Responsibility:* College students are given and accept a high level of responsibility to self, to others and to the community.

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## Definition of Terms

*Administrative Decision* - Outcome of an investigation by the Office of Student Conduct. An administrative decision may be followed by a sanction.

*Administrative Student Conduct Process* - An administrative process designed to offer fair and equitable treatment of the parties involved in resolution of alleged violations of the Code of Student Conduct.

*Age of Consent* - the age of consent in the State of Texas is 17 years old. The age of consent is gender neutral and applies regardless of sexual orientation. Texas law imposes penalties for individuals who have sex with someone under age 17, but penalties may be relaxed when that person is not more than 3 years older than the minor.

*Bystander* - a person who observes a conflict or unacceptable behavior. The behavior may be serious or minor, one-time or repeated, but the Bystander should recognize that the behavior is destructive or potentially harmful.

*Coercion* – Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

*Conduct Violations* - Actions or behaviors listed within the Code of Student Conduct that violate the behavioral standards of the college community.

*Consent* - Consent for sexual activity is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age.

**NOTE: There is no requirement that a party resist the sexual advance or request of another, but resistance is a clear demonstration of non-consent. The absence of resistance does not demonstrate the absence of force or the presence of permission.**

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**Forced sexual activity is considered non-consensual unless force is explicitly consented to. Not all non-consensual sexual activity is by definition "forced," based on the definition below.**

*College Administrator* - All College Executive and Administrative staff members as defined by the office of Human Resources.

*College Community* - All South Texas College faculty, staff, board members, students and guests of the College.

*Expulsion* - The permanent removal of an individual from the college community, including access to staff, functions, events and services of the college, with no ability to return.

*Expunging Conduct Records* - Expunging is a process in which a determination has been made by the Dean Student of Student Support Services, their designee or an Ad Hoc Hearing Panel that a conduct record be set for destruction; this most often occurs when a student who is alleged to have violated that Code of Student Conduct is found Not In Violation at the conclusion of the Student Conduct Hearing, and at the written request of that student. This process would include the destruction of all records pertaining to the student conduct proceeding. Conduct Records that are expunged are either destroyed, or deleted.

*Firearm* - means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

*Force* – Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and/or implied threats and/or coercion that overcomes resistance or produces consent.

- Example one: "Have sex with me or I'll make you." Response: "Okay".
- Example two: "You're making this difficult. It's going to hurt more if you don't cooperate." Response: Silence while thinking, "I just want this over."

*Gambling* - Gambling as prohibited by the laws of the State of Texas. (Gambling may include raffles, lotteries, sports pools and online betting activities. For more information, see *Student Handbook*.)

*Hazing* - Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

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Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy. For more information, see *Student Handbook*.

*Hostile Environment* – Conduct, on the basis of protected class status, that is so severe or pervasive (or persistent), and objectively offensive that it deprives a member of the College community of educational or employee access, benefits, or opportunities.

*Incapacitation* - Incapacitation is a state where a person cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Consumption of alcohol or drugs alone is insufficient to establish incapacitation. The question of incapacitation is determined on a case-by-case basis by assessing the decision-making capacity of the reporting party during the interaction. It will include an analysis of whether the responding party knew, or should have known, that the reporting party was incapacitated, or whether the responding party played a role in creating the circumstance of incapacity.

- Sexual activity with someone whom one knows to be or based on the circumstances should reasonably have known to be mentally or physically incapacitated by alcohol or other drug use constitutes a violation of this policy. Whether someone should have known is assessed by the reasonable person standard.
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs if the responding party knew, or should have known, of the incapacitating condition or was the cause thereof.
- Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketomine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.

*Interim Suspension* - The temporary removal of an individual from the college community, including access to staff, functions, events and services of the college, until the completion of a formal investigation and the resolution of any alleged violations of the Code of Student Conduct.

*Intimate Partner Violence (also called domestic and/or dating violence)* – Violence and/or emotional abuse between those who are in, or who have been in, an intimate relationship with each other.

*Intimidation* – An implied threat that would make a reasonable person feel fear.

*Investigation* - The detailed inquiry into alleged violations of the Code of Student Conduct. This may include review of documents or video, interviewing the parties, and potential witnesses.

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*Conduct Hold* - Restricted ability to register for course at the college, without the permission of the Office of Student Conduct.

*Non-Consensual Sexual Contact* - is any intentional sexual touching, however slight, with any object, by one person upon another, that is without consent and/or by force.

Sexual Touching- includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

*Non-Consensual Sexual Intercourse* - is any sexual intercourse however slight, with any object, by one person upon another, that is without consent and/or by force.

Sexual Intercourse- includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

*Office of Student Conduct* - The Office of Student Conduct enforces South Texas College policies to promote a safe and supportive learning environment that treats each student fairly, equally, and with respect. The Office of Student Conduct nurtures student learning and growth by encouraging student accountability, academic integrity and responsible decision-making.

*Physical Abuse* - is an act of a person involving contact of another person intended to cause feelings of physical pain, injury, or other physical suffering or bodily harm.

*Preponderance of the Evidence* - also known as balance of probabilities is the standard required in the College's conduct process. The standard is met if the proposition is more likely to be true than not true, if there is greater than 50 percent chance that the proposition is true or "more likely than not."

*Probation* - The supervised monitoring of an individual, by the Office of Student Conduct, who have been found to have violated the Code of Student Conduct and required to complete conduct sanctions within a prescribed period of time.

*Protected Class* – Any category of person protected by the College's non-discrimination policies (sex, gender expression, gender identity, race, color, age, creed, national or ethnic origin,

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physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, predisposing genetic characteristic, or other status protected by law).

*Reasonable Person* - a composite of a relevant community's judgment as to how a typical member of the community should or would behave in the same or similar circumstances to a person whose decisions/behaviors are being subject to evaluation.

*Reporting Party* – the person or persons alleging a violation of the Code of Student Conduct.

*Responding Party* – the person or persons who have allegedly violated the Code of Student Conduct.

*Sanction* – Penalties, education, or corrective actions imposed on a student for violating the Code of Student Conduct that are intended to correct inappropriate behavior and ensure future compliance.

*Service Animals (As defined by the U.S. Department of Justice, Civil Rights Division)* - Service animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets. Under the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. This federal law applies to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos.

*Sexual Exploitation* - occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-recording of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- exposing one's genitals in non-consensual circumstances;

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- inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

*Sexual Harassment* - is unwelcome conduct of a sexual nature, or that is sex- or gender-based.

*Sexual Misconduct* - Encompasses a range of behaviors that includes, but is not limited to, sexual harassment, intimate partner violence, stalking, non-consensual sex intercourse, non-consensual sexual contact, and sexual exploitation.

*Student* - For the purposes of student conduct, the College considers any individual to be a student who is assigned a Student ID Number (A00000000), is enrolled in a course (for credit or non-credit course work) and as long as the individual has a continuing educational interest in the College.

*Stalking* – Menacing and/or harmful conduct, often repeated, that is directed at a specific person and would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

*Summons* - An official notification of the date and time of an Administrative Hearing or other proceeding pertaining to an alleged violation of the Code of Student Conduct.

*Suspension* - The temporary removal of an individual from the college community for a period of time, with the potential for return under a set of conditions, imposed for violations of the Code of Student Conduct.

*Threat* - An expression of a sincere intention to inflict pain, injury, and/ or harm.

*Voyeurism* - the practice of obtaining sexual gratification by looking at sexual objects or acts, especially secretly.

*Weapon and Explosive* – Any device or item, whether possessed legally or illegally, including but not limited to tasers, stunguns, slingshots, martial arts devices, switchblade knives and clubs, fireworks or explosive, other weapons, or dangerous chemicals. The term weapon may also define any object or substance designed or used in a manner to inflict a wound, cause injury or pain, or to incapacitate.

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## **Office of Student Conduct Departmental Contact Information**

### Office Location

Pecan Campus

Student Service Building, Room 2.1106

Voice: 956-872-2180

Fax: 956-872-2500

Web: [studentservices.southtexascollege.edu/studentlife/judicial](http://studentservices.southtexascollege.edu/studentlife/judicial)

### **Dean**

Mr. Pablo Hernandez Jr., LPC.S

Dean of Student Affairs, Deputy Title IX Coordinator

### **Director**

Mr. Karey R Barnes, MSPA

Director of Student Rights and Responsibilities, Title IX Investigator

### **Coordinator**

Mrs. Maria Alonso, MBA

Coordinator of Student Rights and Responsibilities, Title IX Investigator

### **Case Manager**

Mr. Josue De La Cruz

Student Conduct Specialist

### **Ombuds Services and Assistance to the Parties**

Mrs. Erica Hansen, MSHRD

Ombudsperson

Ms. Olga Moran, MBA

Ombudsperson

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## **Section 1: Mission and Vision Statement**

### **South Texas College Vision Statement:**

South Texas College is a world-class institution advancing regional prosperity through education for a better quality of life in our community.

### **Office of Student Conduct Vision Statement:**

The Office of Student Conduct at South Texas College is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of South Texas College.

## **Section 2: Introduction to the Code of Student Conduct**

The Code of Student 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 holds them accountable for their actions.

The purpose of the student conduct system is not to punish students for transgressions, but to use progressive discipline to help them understand and accept their obligations as citizens of an academic community. Sanctions for violations of the Code of Student Conduct are intended to be educational in nature.

The Office of Student Conduct has primary and sole authority and responsibility for the administration of student discipline at the College. No other department or unit of the College may impose discipline on students independent of the College's Conduct Process, except for enforcing standards of professionalism and academic integrity.

South Texas College Policy 3650, Student Conduct and Discipline:

<http://admin.southtexascollege.edu/president/policies/pdf/3000/3650.pdf>

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### Section 3: Jurisdiction

Students at South Texas College are provided a copy of the Code of Student Conduct annually in the form of a link on the South Texas College website. Hard copies are available upon request from the Office of Student Conduct. Students are responsible for having read and abiding by the provisions of the Code of Student Conduct.

The Code of Student Conduct and the Administrative Student Conduct Process apply to the conduct of individual students, and all College-affiliated student organizations. For the purposes of student conduct, the College considers any individual to be a student who is assigned a Student ID Number (A00000000), is enrolled in a course (for credit or non-credit course work) and as long as the individual has a continuing educational interest in the College. The Office of Student Conduct is unable to sanction non-students, but may work with other offices and law enforcement to impose appropriate restrictions when necessary.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated, for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, to obtain official transcripts or to graduate, and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct alleged to have occurred while a student was still enrolled but reported after the student has graduated, the College reserves the right to invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply to off-campus incidents when the Dean of Student Affairs or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or

Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or

Any situation that evidences criminal behavior and/or is detrimental to the educational mission and/or interests of the College;

The Code of Student Conduct may be applied to behavior conducted online, via email or any other electronic medium. Students should also be aware that online postings such as blogs, web

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postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials.

Please note that most online speech by students not involving College networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;

Speech posted online about the College or its community members that causes a significant on-campus disruption.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of College may seek resolution of violations of the Code of Student Conduct involving members of College community.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous allegations are permitted, doing so may limit the College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Campus Police and Public Safety.

A responding party facing an alleged violation of the Code of Student Conduct may withdraw from the College with permission of the Dean of Student Services; however, the Administrative Conduct Process will typically continue as outlined within this document. Students wishing to withdraw must follow the College’s stated withdrawal policy and may be subject to the College’s refund policy. Once the Administrative Student Conduct Process is completed, if the former student is sanctioned, the former student must complete the sanctions before becoming eligible to re-enroll, if at all.

College email is the primary means of communication with students by the Office of Student Conduct and the College. Students are responsible for all communication delivered to their College email address.

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The Code of Student Conduct and Student Conduct Process outline the community standards and resolution process applicable to students and student organizations at South Texas College. The Code of Student Conduct applies to all College-sponsored events, activities, trips, etc., which may occur on- or off-campus. Any student who violates the Code of Student Conduct and/or breaks the law is subject to College, civil, and/or criminal authorities. The College, at its sole discretion, may pursue disciplinary action involving a student while the student is also subject to criminal proceedings. The College reserves the right to proceed with an Administrative Hearing even if criminal charges are pending, reduced, or dismissed.

The South Texas College Student Judicial Process is the responsibility of the Vice President for Student Affairs and Enrollment Management and the Dean of Student Affairs. The Dean of Student Services and the Director of Student Conduct or designee of the Office of Student Conduct is responsible for the day-to-day operation and administration of the Student Judicial Process. The Director or designee will develop policies and procedures for the administration of the Student Judicial Process, which includes procedural rules for conducting investigations and hearings. The Director or designee, in consultation with appropriate College officials and students, will revise and update all regulations and processes; conduct training sessions for investigators, hearing officers and decision-makers; and manage and maintain all student disciplinary records.

### **Parental Notification**

South Texas College and the Office of Student Conduct reserve the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. South Texas College and the Office of Student Conduct may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations.

Where a student is not dependent, South Texas College and the Office of Student Conduct will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk or with the consent of the student. South Texas College and the Office of Student Conduct also reserve the right to designate which college officials have a legitimate educational interest in accessing student conduct records pursuant to the Family Educational Rights and Privacy Act (FERPA).

### **Notification of Outcomes**

The outcome of a Student Conduct Hearing is part of the education record of the responding party and is protected from release under FERPA, except under certain conditions. As allowed by FERPA, when a student is accused of a violation of the Code of Student Conduct or a South Texas College policy that would constitute a “crime of violence” or forcible or

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non-forcible sex offense, the College will inform the reporting party in writing of the final results of the process regardless of whether the College concludes that a violation was committed. Such release of information will typically only include the responding party's name, any violation committed, and the sanctions assigned, when applicable. In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties in addition to the finding and sanction(s), and will be delivered to the parties without significant delay between notifications. The notice of outcome will also detail whether the determination is final, any changes that may be made before it becomes final, and an appeal rights that are available.

In cases where the College determines through the Administrative Student Conduct Process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the College may also release the above information publicly and/or to any third party.

FERPA defines "crimes of violence" to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide - manslaughter by negligence
5. Criminal Homicide - murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

### **Failure to Complete or Comply with Conduct Sanctions**

All students, as members of the College community, are expected to complete and/ or comply with conduct sanctions within the timeframe specified by the Office of Student Conduct. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by either the Dean of Student Affairs or the Office of Student Conduct.

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## Student Conduct Records

The Office of Student Conduct has adopted a policy with respect to student conduct records consistent with the requirements and regulations of FERPA. FERPA is a federal law that protects the privacy of student education records. FERPA places limitations on the disclosure of personally identifiable information maintained by South Texas College with respect to students and limits access to education records, including the right to access, the right to obtain copies, the right to seek correction of such records through informal and formal internal procedures, and the right to place a statement in such educational records explaining any information which the student believes to be inaccurate or misleading.

### Inspection, Review and Retention of Student Conduct Records

The Office of Student Conduct will maintain student conduct files, which contain all necessary and appropriate student conduct correspondence, hearing officer and student conduct board decisions, and other documentation pertinent to any proceedings involving a student. Student conduct files will be maintained as follows:

1. Student Conduct Records will be maintained for a period of seven (7) years.
2. Student Conduct Records pertaining to suspension, expulsion, sexual misconduct and Title IX will be maintained indefinitely.
3. The College reserves the right to retain all disciplinary files for longer periods as may be deemed necessary.
4. Complete the request to [Review or Receive Copies of Student Conduct Records](#).

FERPA defines records of a student engaged in a disciplinary process as private. Information about the disciplinary process may only be shared with the student(s) of record, their parents or guardian if a dependent, an academic college dean or adviser or other school officials with a legitimate educational interest. The student must give written permission for anyone else to have access to this information, unless otherwise permitted by federal or state law. For additional information regarding FERPA, see the [Family Educational Rights and Privacy Act](#).

South Texas College will not deny a student access to their education records; however, South Texas College reserves the right to deny a request for **COPIES** of education records, including transcripts, diplomas and certificates, unless a student is physically unable to access records where they are maintained, in which case the College will furnish copies. To request to review or receive copies of conduct records a applicable student must complete the Request to [Review or Receive Copies of Student Conduct Records](#) form.

In accordance with FERPA, South Texas College will provide access to education records upon request within a reasonable period of time, but not more than **45 calendar days** after receipt of a request in writing. The Office of Student Conduct will also provide an explanation and

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interpretation of education records within a reasonable period of time, but not more than **45 calendar days** after receipt of a request in writing.

South Texas College will hold an administrative hearing within a reasonable time after it has received a request from the parent or eligible student challenging the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

Additionally, consent to inspect or review records **CANNOT** be given orally; consent for disclosure of information from education records **MUST**:

1. Be given in writing
2. Be signed and dated
3. Specify the records to be disclosed
4. State the purpose of the disclosure
5. Identify the party or class of parties to whom the disclosure may be made.

### **Expunging Student Conduct Records**

In instances where a student has been found to have violated the South Texas College Code of Student Conduct, Student Conduct Records will be retained for seven years from the date of the student's graduation or the date of last attendance at South Texas College. Student conduct records may be retained for as long as administratively valuable or permanently if the student was expelled, dismissed, suspended or blocked from reenrollment and in situations that may result in future litigation.

Allegations of sexual harassment or sexual misconduct may result in the development of a file in the reporting party's name. This file will be retained for no less than seven years from the reporting party's date of graduation or their date of last attendance at South Texas College. These files may be retained for as long as administratively valuable. Students who wish to have their file expunged should contact the Office of Student Conduct for assistance.

Student conduct records may be expunged for good cause upon receipt of a written request by the student. Sexual Misconduct, expulsions, and suspensions **WILL NOT** be eligible to expunge.

While student conduct records are destroyed 7 years after the final decision is delivered to a student, except as required by law, student conduct records may be expunged earlier by the Office of Student Conduct upon written request from the student by completing the Request to Expunge Student Conduct Records form.

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Expunging of records is strictly a courtesy provided by the Office of Student Conduct and the Dean of Student Affairs and is not a requirement of law. Request to Expunge Student Conduct Records will only be considered for students who did not receive suspension or expulsion and whose violations were determined to have not threatened or endangered the health or safety of any person, and who have not been alleged to have committed an act of sexual misconduct.

Some factors that may be considered once a Request to Expunge Records is received include but are not limited to:

1. The present demeanor of the student.
2. The conduct of the student subsequent to the violation.
3. The nature of the violation and the severity of any damage, injury, or harm resulting from it will also be considered.
4. The input of the reporting party.
5. All sanctions must have been completed on time.
6. At the time of consideration, the student must be in good standing with the College.
7. The student **MUST** have graduated from South Texas College, have transferred, or have not been in attendance for 1 academic year (2 long semesters).

### **Steps to submit a Request to Expunge Student Conduct Records**

1. To submit a Request to Expunge Student Conduct Records, students must complete the Expunge Records Request Form and provide a written statement outlining the basis for the request.
2. Student conduct records are eligible to be expunged if the incident(s) in question are minor and do not result in suspension or expulsion and where further violations would not likely result in suspension or expulsion from South Texas College.
3. A student may submit a **WRITTEN** request to have their records expunged 1 year after the last semester they attended South Texas College, or immediately after they have been found **Not In Violation** of the Code of Student Conduct, except in cases governed by Title IX or in matters related to sexual misconduct.
4. A student conduct record may be expunged upon the receipt of a Request to Expunge Student Conduct Records, in writing, to the Office of Student Conduct. Requests should be submitted to the Office of Student Conduct by completing the online [Request to Expunge Student Conduct Records Form](#) and provide a written statement outlining the basis for the request.
5. Once the Request to Expunge Conduct Records is received, the Office of Student Conduct will verify that the conduct records are eligible to be expunged. If the records are eligible to be expunged the request will then be forwarded for review by an Ad Hoc Committee to determine if it meets the criteria to expunge conduct records.

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- a. The Ad Hoc Committee will review and render a decision in writing not more than 30 calendar days for the receipt of the Request to Expunge Student Conduct Records.
  - b. After the meeting, the committee will issue a recommendation to the Dean of Student Affairs. The Dean of Student Affairs will provide a decision to the student, in writing, within 14 business days of receipt of the decision by the Ad Hoc Committee.
  - c. If the recommendation is to deny the Request to Expunge Student Conduct Records the Dean of Student Affairs will include a concise written statement that explains the basis for the decision.
  - d. All other requests that are not eligible to be expunged will be denied without review by Ad Hoc Committee; the student will notified, in writing, within 14 business days of that decision.
6. The Ad Hoc Committee will be appointed by the Dean of Student Affairs from a pool of trained Student Conduct Review Panel members.
  7. In instances where a student has been denied, the Student Conduct Records shall be maintained by the Office of Student Conduct for 7 years after the final decision on the matter.
  8. There is no appeal process for a denial of a request to Expunge Student Conduct Records.

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## Section 4: Violations of the Law

Alleged violations of federal, state, and/or local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which the College has jurisdiction, the College Administrative Student Conduct Process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. For additional information on Interim Suspension please see pages 36 and 38. Interim suspensions are imposed until a hearing on the matter can be held, typically within two weeks. Students objecting to interim restrictions or suspension can request an immediate hearing with the Dean of Student Affairs to show cause why the restrictions or suspension should be limited or lifted. That decision is in the sole discretion of the Dean of Student Affairs or designee. The interim suspension may also be extended if a danger to the community is posed and the College may be delayed or prevented from conducting its own investigation and resolving the allegation because of concurrent criminal proceedings. In such cases, the College will only delay its resolution until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will typically be no longer than two weeks from notice of the incident unless a longer delay is necessary given the circumstances.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding party must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding party must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding party must agree that, in order to be reinstated as an active student, they must first be subject to, and fully cooperate with, the College's Administrative Student Conduct Process and must comply with all sanctions that are imposed.

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## Section 5: Conduct Violations

The College reserves the right to take necessary and appropriate action to protect the safety and interests of the College community. Such action may include administering sanctions when students violate the Code of Student Conduct or College policy, whether such violation takes place on-campus or off-campus.

Violations affecting the health and safety of members of the College community are deemed to be the most serious. Therefore; acts of violence, sexual misconduct, threats, dangerous behavior, or failure to complete prior sanctions may result in suspension or expulsion from the College. Students committing multiple acts of academic dishonesty may also face suspension or expulsion from the institution and/or a reduced or failing grade. Students with an extensive conduct history may also face suspension or expulsion as the result of progressive discipline.

This code treats attempts to engage in any offense below, or collusion to engage in any offense below, as a violation of that offense. Specific examples of misconduct occurring on-campus or off-campus for which students may be subject to sanction include, but are not limited to, the following:

1. Commission of or Being Charged With any Criminal Offense. The commission of or being charged with 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. Failure to Report an Arrest. Failure of any student to accurately report an arrest by any law enforcement agency for any crime, including but not limited to non-custodial or field arrests to the Office of Student Conduct within **72 hours of release**.
3. Dangerous Conduct. Engaging in conduct that injures or endangers the health or safety of any person. This includes threats of violence. Threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly.
4. Arson. The intentional and unauthorized burning, whether the fire continues after ignition, or causes an explosion with intent to destroy, of the property of another or the College.

Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.

5. Assault/Fighting. Intentionally, knowingly, or recklessly causing bodily injury, threatening to cause imminent bodily injury to another person, or physical contact with

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another person when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Engaging in a physical or verbal confrontation, however so slight, between two or more parties with the intent to cause harm, or gain power over the other, with bodily force or weapons.

**Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

6. Burglary/Theft. Entering any portion of a building or habitation, without the effective consent of the owner, not then open to the public, with intent to commit a theft, or an assault. Taking of another person property without the owner's effective consent.

**Taking of Property.** Intentional and unauthorized taking of University/College property or the personal property of another, including goods, services and other valuables;

7. Forcible and Non-Forcible Sex Offenses. Intentionally or knowingly causing the penetration of the anus, sexual organ, or mouth of another person by the sexual organ of the actor by any means, without that person's consent.

**Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Sexual Misconduct Policy for further information);

8. Destruction, Damage, and Vandalism of Property. Intentionally or knowingly damaging, destroying, or defacing, however so slight, the property of another or the College without the effective consent of the owner.

**Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.

9. Sexual Misconduct. Sexual Misconduct encompasses a range of behavior including sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, intimate partner violence, stalking, and/or sexual exploitation. Sexual misconduct may be found in a single episode, as well as in persistent behavior.

10. Damage, Destruction, Destroying or Defacing Property. Intentional or reckless and unauthorized damage to or destruction of College property or the personal property of another.

11. Taking of Property or Services. The intentional and unauthorized taking of College property or the personal property of another, including goods, services and other

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valuables. This includes knowingly taking or maintaining possession of stolen property including goods, services and other valuables.

12. Falsification of Documents and/or Records. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.
13. Election Tampering. Tampering with the election of any College-recognized student organization or club, including Student Government Elections (SGA).
14. Unauthorized Trademark Use. Unauthorized and/or misuse of College or organizational logos, names and/or images.
15. Instructional Technology (IT) and Acceptable Use. Use of College equipment, computers or network resources for illegal or inappropriate purposes such as, but not limited to, gambling; accessing pornographic web sites; sending threatening e-mails; illegally downloading, sharing or printing copyrighted material.
16. Revealing your Personal Account Password. Revealing your College issued account (i.e. JagNet, Blackboard, BANNER, or ARGOS) or password to others or allowing use of your account(s) by others.
17. Use of Another's Account or Password. Use of another's College issued account (i.e. JagNet, Blackboard, BANNER, or ARGOS) or password.
18. Use of Another's Identification. Use of another's identification, or transferring, lending, or altering a college identification card or any other record or instrument of identification.
19. Failure to Provide Identification. Failing or refusing to present a valid photo ID card when requested by a College official, Campus Law Enforcement or Security Officer. All individuals present on South Texas College property, property controlled by the College, and/or attending a College-sponsored event are required to present a Student Identification Card or other form of valid photo identification for access to services and activities.
20. Illegal Gambling. Gambling as prohibited by the laws of the State of Texas, as defined by Chapter 47 of the Texas Penal Code. Gambling may include raffles, lotteries, sports pools and online betting activities.
21. Failure to Comply with a Reasonable Directive. Failure to comply with the reasonable directive of a College official, Campus Law Enforcement or Security Officer acting in the

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performance of his/her duties; this includes failure to heed an official summons or request for a meeting by any College official, Campus Law Enforcement or Security Officer, or the Office of Student Conduct within the designated time.

22. Giving False Testimony or Evidence. Giving false testimony or evidence to the Office of Student Conduct, a College official, Campus Law Enforcement or Security Officer; including giving false identification or a fictitious name, address, or telephone number at any point of an investigation, hearing or other administrative process.
23. Failure to Meet Financial Responsibilities. Failure to promptly meet financial responsibilities to the College, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
24. Failure to Comply with Sanctions or Violations of Probationary Status. Failure to comply with sanctions imposed by the Office of Student Conduct in accordance with the procedures described herein. This includes violating the terms or conditions of disciplinary probation.
25. Failure to Maintain Current Contact Information. Failure to maintain a current official mailing address, telephone number and email address, or giving a false or fictitious address, telephone number, or email address to any College official acting within the capacity of their office and/or duties.
26. Misuse of Fire or other Safety Equipment. Violation of local, state, federal or campus fire policies including, but not limited to:
  - a) Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
  - b) Failure to evacuate a College-controlled building during a fire alarm.
  - c) Improper use of College fire safety equipment.
  - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions.
  - e) False Alarm or Report. Knowingly initiating, communicating, or circulating a false alarm or report which would ordinarily result in action by an emergency response agency (Police, Fire Dept., etc.)

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- f) Interfering with, Obstructing or Disrupting Police or Fire Responses. This includes but is not limited to failing to abide by the directions of police, security, fire or other emergency personnel.
27. Unauthorized Entry, Access, Use, or Trespass. Trespass; Unauthorized access into or onto any College building, room, structure or facility, or property of the college or property under the control of the College including the misuse of access privileges to College premises, propping or unauthorized use of alarmed doors for entry into or exit from any College building or property; Unauthorized use, distribution, duplication or possession of any keys issued for any college building, laboratory, facility, room, or vehicle owned or operated by the College.
28. Weapons and Explosives Other Than Firearms. Possession, ignition, detonation, use, or distribution of any explosive or explosive device; which includes fireworks, liquids, or objects which maybe flammable or which may cause damage by fire or explosion to persons or property, including but not limited to facsimile weapons, arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 5-1/2 inches or box cutters, including the storage of any item that falls within the category of a weapon other than firearms and ammunition for which an individual has a Texas issued License to Carry or Concealed Handgun License, in a vehicle parked on College property, or property controlled by the College. Any activity, use of, or brandishing of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited.
29. Possession of a Firearm, Rifle, Shotgun, Long Gun, or Cannon. Possession of a rifle, shotgun or other long gun, a handgun or other firearm, including but not limited to air or gas pressure guns or cannon, or any cannon, BB, paintball, or pellet gun, other than a concealed handgun and ammunition for which an individual has a Texas issued License to Carry or Concealed Handgun License, is prohibited on college property. Individuals with a Texas issued License to Carry or Concealed Handgun License are prohibited from areas designated by Texas state law and in an area that has been designated as a gun or firearm free zone by the College.
30. Intimidation and/or Threatening Behaviors. An implied threat that would make a reasonable person feel fear. An expression of a sincere intention to inflict pain, injury, and/ or harm.
31. Stalking. Menacing and/or harmful conduct, often repeated, that is directed at a specific person and would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
32. Harassment. Any unwelcome conduct based on actual or perceived status including: sex, gender expression, gender identity, race, color, age, creed, national or ethnic origin,

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physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, predisposing genetic characteristic, or other status protected by law. All harassment should be reported, and will be remedied. Harassment will be subject to discipline when it creates a hostile environment as defined above.

33. **Discrimination.** Any deprivation of access to, unreasonable limitation of, or denial of participation in the educational or employment programs of the College that is based upon an individual or group's actual or perceived status, including sex, gender identity, gender expression, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, predisposing genetic characteristic.
34. **Retaliation, Retaliatory Discrimination or Harassment.** Any intentional, materially adverse action, absent legitimate nondiscriminatory purposes, taken because of a person's participation in a civil rights grievance proceeding or any other protected activity under the South Texas College Code of Student Conduct or other College Policy.
35. **Disruptive Behavior.** Disruptive activities that substantially interfere with instructional activities or the functions that support the college, or surrounding community. Disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus. Includes disruption of guest speakers, inciting substantial disruption, and rioting.
36. **Bystanding.** Being complicit with or the failure of any student to appropriately address known or obvious violations of the South Texas College Code of Student Conduct or law; being complicit with or failure of any organized group to appropriately address known or obvious violations of the South Texas College Code of Student Conduct or law by its members.
37. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression. This includes but is not limited to in person or direct contact, by phone, text, or email, by using social media, or by sending messages by a third party, in writing or any other form.
38. **Hazing.** Any act that endangers the mental or physical health or safety of a member of the South Texas College community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent

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and/or failing to discourage and/or failing to report those acts may also violate this policy.

39. Drug and Alcohol Violations. The use or possession of drugs, prescription medications, alcohol, or other intoxicating substances or being intoxicated on South Texas College property, property controlled by South Texas College or at an event sponsored by South Texas College. Illegal possession, use, sale, manufacture or distribution of any quantity, whether usable or not, of any illegal drug, narcotic, controlled substance or drug paraphernalia except as expressly permitted by law or being under the influence of said drug, narcotic, or controlled substance. Abuse, misuse, sale, and/or distribution of prescription or over-the-counter medications. The use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law.
40. Bringing Animals or Pets onto College property or any College-sponsored Event. Bringing animals or pets of any type on College property or at any College-sponsored event, except as permitted by law. Exception: Service Animals
41. Bribery. This offense includes, but is not limited to, bribery, attempted bribery, acceptance of a bribe, and/or failure to report a bribe. It is also a violation to request, receive, or attempt to get money and/or anything of value, including a letter grade, by the use of violence, threats, intimidation, and/or misuse of authority.
42. Academic dishonesty. Students attending South Texas College are responsible for adhering to standards of academic integrity. Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at South Texas College and students are expected to act in accordance with this principle. Failing to adhere to academic integrity constitutes academic dishonesty. Academic dishonesty is considered to be a violation of the behavior expected of a student in an academic setting as well as a student conduct violation. A student found responsible for academic dishonesty is subject to appropriate academic penalty as determined by the faculty member. Students who engage in academic dishonesty also face additional sanctions from the Office of Student Conduct, including expulsion from the College, as outlined in the South Texas College Code of Student Conduct.

Students are responsible for adhering to course requirements as specified by the faculty member in the course syllabus. Students assume full responsibility for the content and integrity of the coursework they submit. Information from instructors regarding the rules and guidelines for examinations, papers, projects, presentations, and other assignments are included in the course syllabus.

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A student's lack of understanding is not a valid defense to a charge of academic dishonesty. Types of academic dishonesty include, but are not limited to:

- a. **Cheating** - Using or intending to use unauthorized materials, information, notes or study aids in any academic exercise; or any other actions taken to gain unfair advantage over others.
  1. Copying from another student's exam or quiz or providing answers to another student during an exam or quiz.
  2. Substituting for another person, or permitting another person to substitute for one's self, in taking an exam or completing an assignment.
  3. Using, buying, stealing, transporting or soliciting some or all of the contents of an un-administered test, homework answer sheet, computer program or answer key.
  4. Looking at another student's paper, talking or using an external aid such as notes, books, calculators or cell phones (unless the course instructor has indicated in advance that this will be allowed) during an exam or quiz.
  5. Obtaining answers or information for a homework assignment, exam or quiz from an unauthorized source. This includes, but is not limited to, using commercial term paper companies, purchasing answer sets to homework from tutoring companies, and obtaining information from students who have previously taken the course.
  6. Reviewing previous copies of an exam or quiz without the permission of the course instructor.
  
- b. **Plagiarism** - Using someone else's words, ideas or images and submitting that work for credit as if it were one's own without appropriate acknowledgment to the author.
  1. Submission of any written assignment or oral presentation implies that the work is the result of that student's own thought.
  2. Use of someone else's words, ideas and images must be documented by proper use of quotation marks, references, and footnotes. This includes Internet sources.
  3. Students must be able to authenticate their work if requested by their course instructor.

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- c. **Multiple Submissions** - Multiple submissions are submissions of the same or substantially the same work for credit in two or more courses, including but not limited to courses being retaken for credit. Multiple submissions include the use of any prior academic effort previously submitted for academic credit at this or a different institution. Multiple submissions will not include those situations where the prior written approval by the instructor in the current course is given to the student to use a prior academic work or endeavor.
- d. **Fabrication** - The intentional and unauthorized falsification or invention of information or citation in an academic exercise.
  - 1. Inventing data or results, and recording or reporting them as factual.
  - 2. Inventing or altering citations, footnotes, etc.
  - 3. Providing a fabricated document to a course instructor in order to obtain an excused absence or to satisfy a course requirement.
- e. **Collusion** - Unauthorized collaboration with another person in the preparation of an academic assignment. All assignments are to be completed individually unless the course instructor indicates otherwise.
- f. **Complicity** - Assisting or attempting to help another student commit academic dishonesty.
  - 1. Providing information about test questions before a scheduled exam or quiz unless authorized to do so by the course instructor.
  - 2. Allowing another student to copy from one's paper during an exam, quiz or homework assignment.
  - 3. Taking an exam or quiz for another student.
  - 4. Signing another student's name on an academic exercise or attendance sheet.
  - 5. Conspiring with one or more persons to commit, or to attempt to commit, any act of scholastic dishonesty.
- g. **Failing to Report Academic Dishonesty** - Failing to report an incident of academic dishonesty to your course instructor.

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43. Other Policies. Violations of other published College regulations or policies not listed in the Code of Student Conduct. This includes but is not limited to, computer use, use of College facilities, parking rules and regulations and regulations governing student organizations.

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## **Section 6: Student Conduct Authority**

Only the Dean of Students or the Office of Student Conduct may charge and/or find a student in violation of the Code of Student Conduct. In all instances where a student is believed to have violated any of the items listed within this code under Section 5: Conduct Violations, the student **MUST** be referred to the Office of Student Conduct. The only exception to this are items listed under Conduct Violation 42 - Academic Dishonesty. In these cases faculty maintain (initial, original) jurisdiction over these matters and may administer discipline in accordance with class syllabi and program/ department standards. Faculty are required to notify the student of their right to appeal any imposed sanctions as described within this code under Section 8: Student Discipline in the Classroom. Faculty are encouraged to notify the Office of Student Conduct of instances of academic dishonesty to ensure that institutional standards for academic dishonesty are maintained.

### **College as Convener of the Student Conduct Administrative Process**

South Texas College is the convener of every action under this code. Within that action, there are several roles. The responding party is the person who is alleged to have violated the Code of Student Conduct. The reporting party, who may be a student, employee, visitor, or guest, is the person alleging a policy violation, and may choose to be present and participate in the process as fully as the responding party. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence or information that the College has obtained during the course of their investigation regarding the allegations.

### **Authority**

The Dean of Student Affairs is vested with the authority over student conduct by the President of South Texas College. The Dean of Student Affairs appoints a Office of Student Conduct, to oversee and manage the student conduct process. The Dean of Student Affairs and Office of Student Conduct, may appoint investigators, administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Office of Student Conduct, will assume responsibility for the investigation of an allegation of misconduct to determine if the allegation has merit.

### **Interim Suspension and Interim Action**

Under the South Texas College Code Student of Conduct, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a

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Student Conduct Hearing on alleged violation(s) of the Code of Student Conduct when, but not limited to the following:

- a. a student represents a threat of serious harm to others,
- b. is facing allegations of serious criminal activity,
- c. to preserve the integrity of an investigation,
- d. to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College.

Interim Suspension and Interim Actions can include separation from the institution or restrictions on participation in the community typically for no more than **10 business days** pending the scheduling of a campus hearing on the alleged violation(s) of the Code of Student Conduct. At the end of **10 business days** a hearing will be held on the alleged violation(s), or to determine if the Interim Suspension should be extended or if alternative arrangements may be implemented. Any individuals who are separated or receive Interim Suspension or Actions may request a meeting with the Dean of Students or designee to show cause why an Interim Suspension/Actions are not merited or should be modified. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a Student Conduct Hearing.

During an Interim Suspension, a student may be denied access to the College campus, facilities, and sponsored events. As determined appropriate by the Office of Student Conduct, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Office of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

If Interim Suspension is deemed appropriate, the student will immediately be removed from campus and/or College related, sponsored or supported activities, or restrictions will be imposed. Students placed on Interim Suspension may be banned from all College property, including related, sponsored or supported activities; and may be subject to arrest for trespassing if they violate this ban.

Interim Suspension and/ or Interim Action should normally be imposed not later than **48 hours** after the Office of Student Conduct is notified of an incident. A student placed on Interim Suspension is not permitted to return to campus until the Interim Suspension has been lifted or a Student Conduct Hearing has concluded. The Office of Student Conduct or its designee must provide the student with notice of the suspension and the alleged violations of the South Texas College Code of Student Conduct; this notice may be delivered in writing or verbally. The student will be contacted by the Office of Student Conduct to discuss the disciplinary process.

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The student may request an appointment with the Office of Student and request further explanation of the alleged violations of the South Texas College Code of Student Conduct or to request that a hearing be held to lift the Interim Suspension or Interim Action. The Dean of Student Affairs may:

- Uphold the Interim Suspension or Interim Action, requiring the student to remain off campus and/or out of classes until the Administrative Hearing has concluded, where appropriate.
  - Administrative Hearings are scheduled as early as possible to avoid undue delay in a student's return to campus.
- Lift the Interim Suspension or Interim Action(s) and allow the immediate return of the student to campus. If an Interim Suspension is lifted, Interim Actions or other restrictions may be imposed upon the returning student pending the outcome of the investigation and Student Conduct Hearing, where appropriate.

### **Interim Suspension Steps**

1. The Office of Student Conduct reserves the right to impose or overturn any Interim Suspension and/or interim Action.
2. A student may be placed on Interim Suspension or Interim Action for behavior that occurs on or off campus. Campus Coordinators and the Chief of Police/Director of Campus Security **MAY REQUEST** that the Office of Student Conduct impose Interim Suspension or Interim Action.

### **Notice of Alleged Violation**

Any member of the South Texas College community, visitor or guest may allege a policy violation(s) by any student for misconduct under the Code of Student Conduct by following the steps listed on this web page: <http://life.southtexascollege.edu/student-conduct/>.

Notice may also be given to the Office of Student Conduct (or designee) and/or to the Title IX Coordinator (or designee), when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a reporting party or as a third party report, and should be submitted as soon as possible after the offending event occurs. South Texas College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process even without the participation of the reporting party.

The Office of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

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## **Accommodations in the Student Conduct Process**

The College affords reasonable accommodations for disability within the Student Conduct Process to any student. To receive accommodations, the student must make a request in person or in writing to the Director of Student Conduct. The request must state what specific accommodations are requested. Once requested, the Director of Student Conduct will work with the Office of Disability Services to determine eligibility for accommodations and approval of appropriate accommodations. Please note that the Office of Student Conduct does not approve accommodations or determine what accommodations are appropriate, but will provide any accommodations approved by the Office of Disability Services.

## **Standard of Proof**

The standard of proof for all hearings is a preponderance of evidence, as defined above. Formal “Rules of Evidence” do not apply to Administrative Student Conduct Process. A hearing officer or panel will weigh all information, or "the Totality of the Evidence" presented when making a determination of whether there has been a violation of the Code Student of Conduct. Any information relevant to the Administrative Student Conduct Process will be considered, if credible. Unduly repetitive evidence, or evidence solely relating to character, may be excluded.

## **Polygraph Examinations**

The Office of Student Conduct endeavors to find the truth and ensure that all parties are treated fairly throughout the Administrative Student Conduct Process. As such, the Office of Student Conduct will review all information presented by or on behalf of any party to the Administrative Student Conduct Process; a polygraph examination, if provided by either party and if conducted by a reputable professional in appropriate conditions, will be given the same weight as any other information or evidence that is presented. Polygraphers may be called as witnesses to verify the accuracy of any results. The College does not administer or pay for polygraphic examinations. Information obtained as a result of a polygraph examination **WILL NOT** be enough on its own to determine whether or not an individual has or has not violated the Code Student of Conduct.

## **Preliminary Inquiry and/or Educational Conference**

The College conducts a preliminary inquiry into the nature of the incident, allegation or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. A more comprehensive investigation, when it is clear more information must be gathered (see detailed procedures on pg. 44).

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3. A formal allegation of a violation and/or an educational conference with the responding party.

When an initial educational meeting/conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate.
2. A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see below).
3. A decision to proceed with additional investigation and/or referral for a “formal” resolution.

### **Gatekeeping**

No allegation will be forwarded for a hearing unless there is reasonable cause to believe the Code of Student Conduct or a Board Approved South Texas College policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a reporting party’s statement. An allegation that is wholly unsupported by any credible information will not be forwarded for a hearing.

### **Informal /Administrative Resolution**

If a decision on the allegation is made and the finding is that the responding party is not responsible for violating the Code of Student Conduct, the Administrative Student Conduct Process will end. The reporting party may request that the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be in the discretion of the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator and will only be granted for extraordinary cause. If the College’s finding is that the responding party is in violation, and the responding party accepts this finding within three days, the College considers this an “uncontested allegation.” The administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding party may accept or reject. If accepted, the process ends.

If student accepts the findings, but rejects the sanction, the College will conduct a sanction-only hearing, conducted by the Administrative Student Conduct Sanctions Review Panel which will recommend a set of sanctions to the Office of Student Conduct. The sanctions will then be reviewed and finalized by the Office of Student Conduct and is subject to appeal (see Appeal/

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Sanctions Review Process on pg. 57 and 58) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the alleged student is in violation, and the alleged student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to the next phase of the Administrative Student Conduct Process.

### **Conflict Resolution Options**

The Office of Student Conduct, has discretion to refer an allegation for mediation or other forms of appropriate conflict resolution, including restorative circle options. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will allegations of physical sexual misconduct or violence be mediated as the sole institutional response. The Office of Student Conduct, may also suggest that allegations that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution

### **Advisors**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the College's Student Conduct Process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one. However, the College maintains a listing of local attorneys who may offer their services pro bono. Additionally, responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>),

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.
- SurvJustice ([www.survjustice.org](http://www.survjustice.org))

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All advisors are subject to the same College rules, whether they are attorneys or not. Advisors may not address College officials in a meeting, interview or hearing unless invited to or a sidebar is requested. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take. Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, an appropriate administrator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their advisors. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

## **Notice of Hearing**

- a. Once a determination is made that reasonable cause exists for the Office of Student Conduct (or designee) to refer an allegation for a hearing, notice will be given to the

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parties. Notice will be in writing and may be delivered by one or more of the following methods:

1. in person by the Office of Student Conduct (or designee);
  2. mailed to the local or permanent address of the student as indicated in official College records;
  3. or emailed to the student's South Texas College-issued email account. Once mailed, emailed and/or received in -person, such notice will be presumptively delivered.
- b. The letter of notice will:
1. Include the alleged violation and notification of where to locate the Code of Student Conduct and procedures for resolution; and
  2. Direct the parties to contact the Office of Student Conduct (or designee) within a specified period of time to address the allegations or meet with an investigator. This time period will generally be no less than 2 days and no more than 12 from the date of confirmed delivery of the summons letter.
  3. Summarize all potential sanctions that could result from a finding of violation.
- c. A meeting with the Office of Student Conduct (or designee) may be arranged to explain the nature of the allegations and the conduct process. At this meeting, the responding party may indicate, either verbally or in writing, to the Office of Student Conduct (or designee), whether they admit to or deny the allegations of the complaint.

## **Administrative Student Conduct Process Time Frames**

### **Judicial Referrals**

Any member of the South Texas College Community may submit a report alleging that an act of misconduct has been committed. The report will be reviewed and the Office of Student Conduct, will make a preliminary determination typically within 7 calendar days of whether there is enough information to notify the parties that a violation(s) of the Code of Student Conduct has potentially occurred or if there is need for further investigation and information gathering. The parties will be notified in writing and directed to the Office of Student Conduct, typically within **7 days calendar** after the College receives notice of an alleged violation.

In all instances, reporting parties are encouraged to make a report as soon as they become aware of a potential violation of the Code of Student Conduct. It is the position of the Office of Student Conduct, that all allegations of student misconduct will be reviewed and investigated as soon as they are reported.

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All alleged violations of the Code of Student Conduct will be presented to the parties in written form at least **7 days calendar** in advance of any hearing before a representative from the Office of Student Conduct, or the Sanction Review Panel, unless that period is waived by the party.

### **Investigations**

The Office of Student Conduct, may conduct an investigation to determine if the allegations have merit and what the next steps of the Office of Student Conduct may take. When possible, investigations into allegations of misconduct will be completed within 14 days. In instances where an investigation cannot be completed within **14**, the parties will be notified of the delay in writing.

### **Investigation Procedures**

The Office of Student Conduct may appoint an investigator(s) for allegations under this Code. The investigator(s) will take the following steps, if not already completed:

1. Initiate any necessary remedial actions, when appropriate, on behalf of the parties;
2. Determine the identity and contact information of the parties;
3. Conduct an immediate preliminary inquiry to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the allegations;
  - a. If the reporting party is reluctant to pursue the allegations, determine whether the allegations should still be pursued and whether sufficient independent evidence could support the allegations without the participation of the reporting party in the investigation;
  - b. Notify the reporting party of whether the College intends to pursue the allegations regardless of their involvement, and inform the reporting party of their rights in the process and option to become involved if they so choose;
  - c. The preliminary inquiry usually takes about **7 days** to complete.
4. If indicated by the preliminary inquiry and authorized by the Coordinator or Director or Student Conduct, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding party violated the South Texas College Code of Student Conduct or other College policy, and to determine what specific policy violations should be addressed;
  - a. If there is insufficient evidence through the investigation to support reasonable cause, the investigation will be closed with no further action;

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- b. If reasonable cause is found, the process will continue.
5. Meet with the reporting party to take or finalize a statement, which will be drawn up by the investigator as a result of this meeting, or submitted electronically by the reporting party if they do not wish to be interviewed;
6. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party. The responding party will usually be given at least 48 hours advance notice of an investigation interview, unless an exigency requires less notice or no notice, as in the case of potential destruction of evidence.
  - a. Prepare the notice of alleged policy violation(s) and a summary of the allegations, on the basis of the reasonable cause determination. This notice may be delivered prior to, during, or after the responding party is interviewed, at the discretion of the investigator(s), but with a preference for delivery prior to the interview, where possible.
7. Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy or submit their statement electronically;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
11. Make a recommended finding, based on the **Preponderance of the Evidence** whether a policy violation is **More Likely Than Not**;
12. Draft a comprehensive report of the investigation;
13. Share the report with the parties, typically giving them 48 hours to respond in person or in writing to the information in the report; The investigator may include their own responses in the report, and/or exchange the responses between the parties and allow them to respond, incorporating all responses into the report.

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14. Once finalized, present the investigation report and recommended findings to the responding party, who may:
  - a. accept the recommended findings,
  - b. accept the recommended findings in part and reject them in part, or
  - c. reject all recommended findings;
15. If the recommended findings are accepted, they become final. If the findings are fully or partially rejected, the procedures for a hearing, below, will commence.
16. A reporting party may make a request that the Director of Student Conduct or Title IX Coordinator require a hearing if a finding of no violation has been recommended, but that request will only be granted under extraordinary circumstances at the sole discretion of the appropriate administrator. Otherwise, the determination of the investigation that there is no violation is final.
17. Share the recommended findings and update the reporting party on the status of the investigation and the outcome.
18. If findings are accepted, and a policy violation(s) has been found, the investigator will recommend sanction(s). If the sanctions are accepted, they become final, subject to any appeal of sanctions that may be requested.
19. If the recommended sanctions are rejected fully or in part, a sanction hearing will be held in accordance with the procedures outlined, below.

## **Hearing Options and Preparation**

The following sub-sections describe the College's conduct hearing process. Except in an allegation involving failure to comply with the summons of the Office of Student Conduct, no student may be found to have violated the South Texas College Code of Student Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and all the available information will be presented to, and considered by, the Dean of Student Affairs, the Office of Student Conduct, or panel presiding over the hearing.

Where the responding party accepts a recommended finding or admits to violating the South Texas College Code of Student Conduct, the Dean of Student Affairs and/ or Office of Student Conduct, may invoke Informal /Administrative Resolution procedures to determine and administer appropriate sanctions without a formal hearing, as outlined on page 40 of this code. In

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an Informal /Administrative Resolution, allegations will be heard and determinations will be made by the Dean of Student Affairs and/or Office of Student Conduct.

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## Section 7: Administrative Resolution

When a student is alleged to have violated the Code of Student Conduct or a College policy, the Office of Student Conduct will resolve the allegation according to the following process, unless the above investigation process is used instead, at the discretion of the Director of Student Conduct or the Title IX Coordinator:

1. The student will be notified of the allegations and all specific policies that may have been violated. This notification may be verbal but will also be provided in writing. The Office of Student Conduct will schedule a meeting with the student.
2. The Office of Student Conduct may seek professional assistance and advice or take other measures to ensure fair disposition of the matter.
3. In the meeting, the responding party will be afforded the opportunity to admit or deny the allegations and present information to the Office of Student Conduct. If the student admits the violation(s), the following procedures or conflict resolution will apply. If the student denies the alleged violation(s), the Office of Student Conduct will refer the matter for conflict resolution, investigation and/or a hearing.
  - a. The responding party will meet at a time and location designated by the Office of Student Conduct. The responding party must attend the scheduled meeting, but is not required to answer questions or to give evidence.
  - b. The purpose of the meeting will be to review the alleged misconduct or policy violation and hear what witnesses have stated, if they have been interviewed already. During the meeting formal rules of process, procedure, and/or technical rules of evidence as applied in criminal or civil court will not be used.
  - c. If the student admits the violation, or if the alleged violation is a minor offense (meaning it will not result in suspension or expulsion), the Office of Student Conduct may render an administrative decision based upon a “preponderance of evidence or more likely than not” standard of proof. A preponderance of evidence standard of proof requires a finding that the facts asserted are more likely to be true than not.
4. The Office of Student Conduct, will present an explanation of the administrative decision to the parties, detailing any sanctions to be imposed. The explanation will include information regarding the appeal process should the any party wish to challenge the decision. The explanation may be verbal or in writing.

Where the responding party denies violating the South Texas College Code of Student Conduct, and the offense could result in suspension or expulsion, a formal hearing will be conducted. This process is known as a Student Conduct Hearing. At the discretion of the Dean of Student Affairs and/ or Office of Student Conduct, a request by one or more of the parties for an Informal /Administrative Resolution may also be considered. The parties will be given a minimum of 7

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**days** to prepare for a hearing unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- 1) Notice of the time, date and location of the hearing will be made in writing to the parties and may be delivered by one or more of the following methods: in person by the Office of Student Conduct; mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- 2) If there is a reporting party of the conduct in question, the reporting party may bring the allegation forward or may elect to have the College administration bring the allegation forward. Where there reporting party, the College administration will serve as the party bringing the allegation forward.
- 3) If a responding party fails to respond to notice from the Office of Student Conduct, the Office may initiate an action for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within **3 days** by answering the original notice, a Student Conduct Hearing may be scheduled and held in the student's absence. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their College account, deeming them ineligible to register for courses until such time as the student responds to the initial allegations.

At least **3 days** before any scheduled formal hearing, where an investigation has not already been done, the following will occur:

- a. The responding party will deliver to the Office of Student Conduct a written response to the allegations;
- b. The parties will deliver to the Office of Student Conduct a written list of all witnesses for the College to call at the hearing;
- c. The parties will deliver to the Office of Student Conduct physical evidence the parties intend to use or need to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Office of Student Conduct can arrange for its presence;
- d. The parties will notify the Office of Student Conduct of the name of any advisor who may be accompanying the parties at the hearing.

The Office of Student Conduct will ensure that the hearing information and any other available written documentation, include any investigation report, is shared between the parties at least **2 days** before any scheduled hearing. In addition, the parties will be given a list of the names of all

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the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Office of Student Conduct immediately. Hearing officers will only be unseated if the Dean of Student Affairs concludes that their bias precludes an impartial hearing of the allegations. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceeding once they receive a list of the names of all parties and witnesses prior to the hearing.

### **Student Conduct Hearing Procedures**

The Dean of Student Affairs or the Office of Student Conduct will appoint one panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Office of Student Conduct no less than **3 days** prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if a party fails to give the requisite minimum **3 day** notice, or if the student fails to appear, the hearing will proceed as scheduled. If the reporting party fails to appear, the allegations may be dropped or the College may choose to pursue the allegation on its own behalf, as determined by the Dean of Student Affairs and/or the Office of Student Conduct.

Student Conduct Hearings will be conducted according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair, Dean of Student Affairs and/or the Office of Student Conduct.
3. In hearings involving more than one responding party, the standard procedure will be to hear the allegations jointly; however, Dean of Student Affairs and/ or the Office of Student Conduct may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.
4. The parties have the right to an advisor of their own choosing, pursuant to the policy on advisors on page 41.
5. The parties, the panel, and the Dean of Student Affairs, the Office of Student Conduct, will have the privilege of questioning all present witnesses and questioning all present parties directly or through the Chair, at the discretion of the Chair. Unduly repetitive witnesses can be limited at the discretion of the panel Chair, Dean of Student Affairs, or the Office of Student Conduct.

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6. Pertinent records, exhibits, and written statements may be accepted as information to be considered by the panel, Dean of Student Affairs, and the Office of Student Conduct.
7. Formal rules of evidence are not observed. The panel Chair, Dean of Student Affairs, or the Office of Student Conduct may limit the number of character witnesses presented or may accept written affidavits of character instead.
8. All procedural questions are subject to the final decision of the Dean of Student Affairs, Office of Student Conduct, or panel Chair.
9. After the conclusion of the hearing, the Dean of Student Affairs, Office of Student Conduct, or panel will deliberate and determine using the preponderance of the evidence standard, whether it is more likely than not that the responding party has violated the South Texas College Code of Student Conduct. For panel hearings, decisions will be made by majority vote. The Office of Student Conduct will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the Dean of Student Affairs, Office of Student Conduct, or panel will determine an appropriate sanction(s). The Office of Student Conduct is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding party. The Dean of Student Affairs, Office of Student Conduct, or panel Chairperson will prepare a written report and deliver it to the Office of Student Conduct, detailing the recommended finding, how each member voted, the information cited in support of the recommendation, and any information that was excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not normally exceed **2 pages** in length and must be submitted to the Office of Student Conduct within **2 days** of the end of deliberations.
10. The Dean of Student Affairs and/or Office of Student Conduct will consider the recommendations of the panel, may make appropriate modifications to the panel's report, and will then render a decision and inform the parties of the final determination, normally within **5 days** of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Office of Student Conduct; mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be

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delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

11. There will be a single verbatim record for all panel hearings. All information, evidence, and reports will be maintained in the College's Student Conduct Electronic Database; currently Maxient Student Conduct Software.

### **Composition of the Hearing Panel**

The Dean of Student Affairs or the Office of Student Conduct will be responsible for assembling the Hearing Panel according to the following guidelines:

- 1) The membership of the panel is selected from a pool of at least 6 faculty, and 6 staff/administrative members appointed and trained for at least 8 hours annually by the Dean of Student Affairs or Office of Student Conduct.
- 2) For each hearing, a panel will be chosen from the available pool, and is usually comprised of one faculty member, and one staff member, one administrator and a non-voting chair. Availability may determine a different composition for the Panel, and in allegations involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Student Affairs and the Office of Student Conduct will usually use three administrative/staff members for the panel. The Dean of Student Affairs and the Office of Student Conduct appoints the non-voting chair of the Hearing Panel, who assures that all South Texas College procedures are followed throughout the hearing.

### **Rights of the Parties**

1. The right to receive notification of the section(s) of the Code of Student Conduct allegedly violated and the date, time, and place of any conference, meeting, interview, or hearing on the alleged violation.
2. The right to challenge the objectivity or fairness, or to raise a conflict-of-interest regarding any of the persons involved in addressing the matter through the Student Conduct Process. The decision to uphold any challenge rests with the chair of the proceeding, the Title IX Coordinator, or the Director of Student Conduct.
3. The right to consult with and be accompanied by an advisor of choice through all phases of the Student Conduct Process. Rules regarding the conduct of advisors can be found below on page 41.

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4. The right to review all information pertinent to the alleged violation before a final determination is made.
5. The right to notification of the name of each person expected to serve as a witness.
6. The right to introduce documents, to identify witnesses, and present other evidence.
7. The right to be present at any hearing on the alleged violation and to make or refrain from making statements, but not to be present during deliberations.
8. The right to suggest questions to investigators and to ask questions of any person participating in or providing information at a hearing. All questions asked are to be directed towards the Student Conduct Review Panel.
9. The right to receive timely written notification of any decision made.
10. The right to appeal the decision of a hearing in accordance with College procedures.
11. The right to review the record of any investigation or hearing in accordance with all state laws and the Family Educational Rights and Privacy Act.
12. The right to request postponement of a hearing for good cause shown. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a hearing rests with the director or designee of Student Judicial Affairs.
13. The right to be kept informed of the status of proceedings throughout the process.
14. The right to request the ability to pose and answer questions outside of the physical presence of the other party.
15. The right to submit an impact statement in writing to the decision-maker(s).
16. The right to be granted, if these changes are reasonably available, a change in living assignment, academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact.
17. The right to not have past behavioral history discussed during the Student Conduct Process unless it is determined to be relevant by an appropriate administrator.

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18. The right to be notified of rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
19. The right to a prompt, fair, and impartial investigation and resolution.
20. The right to have the proceeding conducted by officials who have neither a conflict of interest nor bias for or against either party.
21. The right to have the proceeding conducted by officials who receive annual training on:
  - a. issues related to domestic violence, dating violence, sexual assault, and stalking, and
  - b. how to conduct an investigation and hearing process that protects the safety of the reporting party and promotes accountability.
22. The right to simultaneous notification, in writing, of:
  - a. the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
  - b. the institution's procedures for both parties to appeal the results of the institutional disciplinary proceeding;
  - c. any change to the results that occurs prior to the time that such results become final; and
  - d. when such results become final.
23. The right to confidentiality for reporting parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the reporting party, to the extent permissible by law.
24. The right to written notification about existing counseling, health, mental health, advocacy, legal assistance, and other services available both on-campus and in the community.
25. The right to be notified, in writing, about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested and if such accommodations are reasonably available, regardless of whether a crime is reported to the Department of Public Safety or local law enforcement.

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26. The right to be provided with a written explanation of the rights afforded by this process.
27. The right of the parties to receive timely notice of meetings at which one or the other or both may be present.
28. The right to have the proceeding completed in a reasonably prompt timeframe.
29. The right to timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.

## Sanctions

South Texas College and the Office of Student Conduct reserves the right to impose conduct sanctions that may include changes in programs, courses, schedules, policies, services, and requirements with or without advance notice.

All sanctions listed may be imposed upon groups or organizations found to have violated the Code of Student Conduct. This includes but is not limited to deactivation, de-recognition, loss of all privileges, or revocation of status as a registered group or organization by the College, for a specified period of time.

## Types of Sanctions

Should it be determined that the responding party has violated the Code of Student Conduct, the Office of Student Conduct will issue an administrative decision imposing one or more of the following sanctions:

1. **Verbal or Written Warning:** Continuation or repetition of prohibited conduct or the commission of additional violations of this Code may be cause for additional sanctions.
2. **Restitution:** Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Probation:** Imposed for a defined period of time. The student is put on official notice that, should further violations of South Texas College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed. Violation of the terms of probation or any other violation of the Code of Student Conduct or College policy during the period of probation may result in additional sanctions, including suspension or expulsion from the College.

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4. **Community Service:** A specific number of hours of community service to be served per the terms of the sanction.
5. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
6. **Confiscation of Prohibited Property:** Items whose presence or possession is in violation of South Texas College policy will be confiscated and will become the property of the South Texas College. Prohibited items may be returned to the owner at the discretion of the Dean of Student Affairs, the Office of Student Conduct, and/or Campus Police.
7. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, completion of a reflection or research paper, attending a class, program or lecture, etc.
8. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
9. **Campus or Academic Reassignment:** Reassignment to another South Texas College campus or academic setting.
10. **Suspension:** Separation from South Texas College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus immediately upon notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs or the Office of Student Conduct. During the suspension period, the student is banned from college property, functions, events, sponsored activities, and contacting college personnel without prior written approval from the Dean of Student Affairs or the Office of Student Conduct. This sanction may be enforced with a trespass action as necessary.
11. **Expulsion:** The removal and permanent separation from the South Texas College. The student is banned from College property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
12. **Eligibility Restriction:** Restricted from use of or denial of specified College services, including participation in College activities. The student is deemed "not in good standing" with South Texas College for a specified period of time. Specific limitations or exceptions

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may be granted by the Dean of Student Affairs or the Office of Student Conduct and terms of this conduct sanction may include, but are not limited to, the following:

- a) Ineligibility to hold any office in any student organization recognized by the South Texas College or hold an elected or appointed office at the College; or
  - b) Ineligibility to represent South Texas College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
13. **Delayed Conferral of Degree:** Delay of issuance of a student's degree for a specified period of time or until the student meets certain conditions.
14. **Strike or Ban:** Denial of the right of a student club or organization, including but not limited to clubs, organizations, students groups, or intramural sports teams, to participate in any activity sponsored by or presented at any college function, on or off campus, or be officially recognized by the College, for violations of the Code of Student Conduct.
15. **Mental Health Assessment and/or Mandatory Treatment:** As a condition for either remaining in school or returning once a sanction is completed, the College may require an assessment for risk of self-harm or harm toward others or that the student attend mandatory treatment for such conduct.
16. **Withholding of Official Transcript, Degree, or Certificate:** The College may withhold the official transcript, degree, or certificate of completion; or deny, not recognize or revoke 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.
17. **Withdrawal from a Course:** The Dean of Students or the Office of Student Conduct may issue a withdrawal from a course or courses with a grade of "W" (Withdrawal) or at 100% when deemed appropriate in accordance with this document.
18. **Supervision Plan or Case Management Plan:** Participation in a monitored supervision plan. Case management plans are individualized and developed with the individual. The plan is intended to build on individual strengths, resources and goals. Plans must be realistic and achievable. Case management plans include activities that will support the individual in meeting their goals, which will reduce or eliminate barriers to their success.

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## **Sanction Review Panel**

The Sanction Review Panel is comprised of three to five members of the Behavioral Intervention Team and the trained pool of eligible Student Conduct Panelist.

The Sanction Review Panel is convened once a student has completed their term of suspension and is eligible to return to South Texas College. The panel reviews return requests pertaining, but not limited, to expulsion and suspension.

Students coming before a review panel will have their violations and subsequent sanction compliance reviewed and a determination will be made on their eligibility to return to the College community and any conditions they will be expected to complete during their probationary period. The student will be assigned a case manager, who will work with the student, the review panel, and the Office of Student Conduct to develop, monitor and complete an Individual Success Plan.

The student should understand that the requirements for returning to the college may change in response to new information, additional violations of the Code of Student Conduct, or other developments during the period of suspension.

For information about a student's potential return to the college, the student is encouraged to contact the Office of Student Conduct for assistance with the transition back to campus and the development of an Individual Success Plan for early intervention should the student begin to experience problems. The Sanction Review Panel may impose conditions on re-entry, including but not limited to, any of the items listed below:

- Submission of a Written Request for Re-Entry, outlining what the student has done during the term of suspension to correct their disruptive behaviors.
- Submission of proof of gainful employment or contribution through community service or volunteer activities.
- Research or Personal Essay with the topic assigned by the Office of Student Conduct that is related to ethics or topics related to the sanction.
- Submission of proof of completion of chemical dependency or other counseling services.
- Submission of a current mental health evaluation.
- Completion of educational or social skills training as prescribed by the College.
- Submission of a Criminal History Check.
- Participation in the development of and compliance with an Individual Success Plan, developed and monitored by the South Texas College Care Team.

## **Student Conduct Review Panel (Appeals Panel)**

The three to five member Student Conduct Review Panel hears appeals. Members are drawn from the panel pool, with the only requirement being that they did not serve on the Panel for the

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initial hearing. Student Conduct Review Panels review appeal requests submitted by the Office of Student Conduct. If an all administrative/staff panel is used to hear a sensitive issue, the Appeals Panel will also be comprised of only administrative/staff members.

The Dean of Student Affairs and the Office of Student Conduct will have final authority to approve all those serving on the panel. The non-voting advisor to the panel is the Office of Student Conduct. This panel uses the same procedures to avoid conflicts-of-interest that are used in the initial hearing process. In the event of a resignation or recusal from the panel, the Office of Student Conduct will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed during the hearing process will be final and implemented, pending the normal appeal process. At the discretion of the Office of Student Conduct implementation of sanctions may be delayed pending review.

### **Appeals (Final Review)**

Any party may appeal the determination made by the Office of Student Conduct. This appeal must be made in writing and received in the Office of the Vice President's for Student Affairs within **5 working days** of receiving notice of the determination by the Office of Student Conduct. Appeals received after the deadline may be rejected without review. The parties will be notified in writing of the outcome of the appeal normally within **7 days** after the appeal has been accepted for review.

### **Grounds for Appeal**

Appeal requests are limited to the following grounds:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. The finding is not supported by the preponderance of the evidence;
3. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
4. The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the responding party.

### **Procedures for Student Conduct Review Panel Hearings**

1. The Director of Student Conduct will share the appeal by one party with the other party (parties) when appropriate under procedure or law, giving the party an opportunity to appeal or respond to the other party's appeal in writing. Once all parties have had an opportunity to request appeals and respond to all appeal requests, the Student Conduct Review Panel will meet. The panel will conduct an initial review

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to determine if the appeal request(s) meets the limited grounds and is timely. They may consult with the Director of Student Conduct and/or Title IX Coordinator on any procedural or substantive questions that arise.

2. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the panel determines whether to address the appeal itself or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new hearing may be constituted to reconsider the matter, which can in turn be appealed, once. Full review hearings by the Student Conduct Review Panel are very rarely used. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Student Conduct Review Panel must limit its review to the challenges presented.
3. On reconsideration, the Student Conduct Review Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.
4. All decisions of the Student Conduct Review Panel are normally to be made within seven days of submission to the Panel and are final, as are any decisions made by the original hearing body, Director of Student Conduct or Title IX Coordinator as the result of reconsideration consistent with instructions from Student Conduct Review Panel.

### **Other Guidelines For Appeals**

Every opportunity to return the appeal to the original decision-maker for reconsideration should be pursued.

Appeals are not intended to be full re-hearings of the determination. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.

Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

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The decision of the panel concludes the approved South Texas College appeal process. An appeal may result in one of the following:

1. **Affirm the finding of the Original Hearing Officer or Panel.**
2. **Affirm the finding of the Original Hearing Officer or Panel, and return the matter for reconsideration of the sanction.**
3. **Return the matter to the Original Hearing Officer or Panel for reconsideration of the finding and the sanction.**
4. **Modify the finding or sanction only where there is clear error and only if there is a compelling justification to do so.**

### **Amnesty**

**For Those Who Offer Assistance:** To encourage students who may be accused of minor policy violations to offer help and assistance others, South Texas College reserves the right to reduce or forgo the sanctioning of a student who offers help to others in need. At the discretion of the Dean of Student Affairs and the Office of Student Conduct, reducing or declining to sanction an individual may be extended on a case-by-case basis to a person offering assistance; however, individuals may be required to participate in educational options to help ensure their health, safety, and future success without having to face conduct proceedings or having conduct record. Repeated violations of the Code of Student Conduct, however so minor, may result in a decision by the Dean of Student Affairs and Office of Student Conduct not to reduce or forgo the sanctioning of the same person repeatedly.

**For Those Who Report Serious Violations:** For students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College, the College reserves the right to reduce or forgo the sanctioning of a student on a case-by-case basis, when the individual makes a report of serious conduct violations, even cases where the individual may have committed minor violations of the Code of Student Conduct. Individuals may be required to participate in educational options to help ensure their health, safety, and future success without having to face conduct proceedings or having conduct record. Repeated violations of the Code of Student Conduct, however so minor, may result in a decision by the Dean of Student Affairs and Office of Student Conduct not to reduce or forgo the sanctioning of the same person repeatedly.

**Safe Harbor:** South Texas College has a Safe Harbor rule for students. The College believes that students who have a drug and/or addiction problem deserve help. If any College student

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brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, no action under this Code will be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan may nullify the Safe Harbor protection and campus conduct processes may be initiated.

### **Student Clubs and Organizations**

Student clubs and organizations will be responsible for the conduct of their members. Student groups, clubs, organizations and/or its individual members may be held accountable for conduct occurring before classes began, after classes end, or if it was discovered after the student graduates or during periods of suspension or other sanctions.

### **Sanctioning of Student Clubs or Organizations**

A student group, club, or organization and its officers and membership may be held collectively and/or individually responsible when violations of this code by the organization or its member(s):

- a. Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- b. Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- c. Were known to or should have been known to the membership or its officers.

Hearings for student groups, clubs, or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

### **Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Allegations of a Sensitive Nature**

All hearings under this sub-section will be conducted by a three member administrative panel drawn from the panel pool. For sexual misconduct, discrimination and other allegations of a sensitive nature, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the parties to testify from another room via audio or audio/video technology. While these options are intended to help make the parties more comfortable, they are not intended to work to the disadvantage to any party.

### **Past Sexual History or Character**

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The past sexual history or sexual character of a party will not be admissible by the other party(s) in investigations or hearings unless such information is determined to be highly relevant by the appropriate administrator.

All such information sought to be admitted by a party(s) will be presumed irrelevant, and any request to overcome this presumption by the party(s) must be reviewed in advance of the hearing by the Dean of Student Affairs and the Office of Student Conduct, who may request written statements by the parties on the issue. While previous conduct violations by the responding party are not generally admissible as information about the present allegations, the Dean of Student Affairs and the Office of Student Conduct may supply previous information to the investigators, the hearing panel, or may consider it themselves if they are hearing the allegations, only if:

- The previous incident was substantially similar to the present alleged violation;
- Information indicates a pattern of behavior and substantial conformity with that pattern by the responding party;
- Demonstration of a pattern, repeated, and/or predatory behavior by the responding party, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations.

The parties will be notified in advance if any such information is deemed relevant and may be introduced in the investigation and/or hearing.

### **Amnesty for Reporting Parties**

South Texas College encourages the reporting of violations of the Code of Student Conduct and crimes, especially instances of sexual misconduct. Reporting parties should not be hesitant to report such conduct to College officials because they fear that they may also be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interest of the College community to encourage reporting of possible conduct violations to College officials. As such the College does not charge reporting parties with non-violent violations, such as unauthorized use of alcoholic beverages or drugs or narcotics, related to the incident. The College does take an educational and treatment approach in these instances, and reserves the right to refer reporting parties to appropriate resources at the discretion of the Office of Student Conduct.

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## Section 8: Student Discipline in the Classroom

Students at South Texas College are expected to exhibit the highest standards of academic integrity. An act of academic dishonesty is considered an offense against the college. For that reason, the college rules prescribe disciplinary consequences for academic dishonesty administered by the faculty member and the Office of Student Conduct.

South Texas College supports the right of faculty to maintain discipline in the classroom. When a student is alleged to have committed an act academic dishonesty, been disruptive in the classroom, clinical or other academic setting, the course instructor or clinical supervisor may move to sanction the student, which may include temporarily or permanently removing that student from class according to procedures outlined in this Code of Student Conduct.

The primary responsibility for managing the classroom environment rests with the course instructor; this includes instances of academic dishonesty. Each course instructor determines what behavior is appropriate or not appropriate in their classroom. Examples of inappropriate behavior include speaking on a cellular telephone, using a camera during class, persistently speaking without being called upon, refusing to be seated, and disrupting the class by leaving and entering the room without authorization.

An academic unit such as a program, department, or division, may also make an academic assessment in the case of academic dishonesty provided there is a standing review procedure that describes an academic relation between academic dishonesty and progress in the program that the appropriate dean and the Vice President for Academic Affairs has approved. Students must be notified of additional expectations and procedures in written program materials, including class syllabi.

When a student exhibits inappropriate behavior in the classroom, clinical or other academic setting, the course instructor may move to sanction the student, which may include temporarily or permanently removing that student from class according to the following procedures:

### Temporary Dismissal from a Course

The Instructor, at their discretion, may dismiss a student temporarily from a course for no more than two class periods or equivalent. In such instances, and no later than one working day after the dismissal, instructors **MUST** report the temporary dismissal to their Department Chair, their Dean, and the Office of the Dean of Student Affairs/Office of Student Conduct by submitting an Eye-Witness-Report.

Students who are dismissed temporarily **MUST** leave the class while instruction is ongoing; the student **MUST** comply immediately. After the student has been removed, the student and the instructor are required to meet face to face if it is safe to do so. If this is not possible, they may

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meet with the Department Chair, Associate Dean, or Dean to review the dismissal and seek resolution.

Instances where there have been multiple temporary dismissals from a course are, at the instructor's discretion, sufficient grounds for permanent dismissal from that instructor's course. The course instructor **MUST** provide notice to the student of the permanent removal and the reasons for the removal. The instructor must also inform the student of their right to appeal the removal to the appropriate Program Chair.

### **Steps for Temporary Removal from a Course:**

The instructor **MUST** speak with the student and inform them of the rule, or standard that the student has violated and provide notice that future violation may result in permanent dismissal from the course, lab or clinical. If the alleged violation is serious enough to warrant immediate removal from class, the course instructor may withdraw the student from class and assign a grade of "W" or "F" after the first occurrence. All removals must be documented and reported to the appropriate Program Chair, Dean and an Eye-Witness-Report must be submitted to the Dean of Student Affairs/Office of Student Conduct.

### **Steps for Permanent Removal from a Course:**

The instructor may dismiss a student from a course for the remainder of the semester in instances where the student has exhibited multiple infractions of classroom, lab, or clinical rules, or in cases where the alleged violation prevents instruction of the course from taking place or is so egregious that allowing the student to remain in class may pose a danger to the safety of others. It is recommended that the faculty member notify Campus Police immediately.

Instructors **MUST** provide a written statement that includes the following:

- The name of the individual(s) being dismissed
- Specific reasons for the dismissal;
- The factual details of the incident;
- The names of any and all witnesses; and
- Any applicable dates, times and location of the incident(s).

Not more than 2 business days after the incident that caused the dismissible from class, the instructor **MUST** provide the student with the following information:

- Specific reasons for the dismissal;
- The factual details of the incident;
- The names of any and all witnesses; and
- Any applicable dates, times and location of the incident(s).

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- Notification of their right to appeal within 5 working days the removal from class to their Program Chair in writing.

In instances where a student is alleged to have committed a violation of academic dishonesty, the instructor of record will inform the student at the earliest possible date after becoming aware of the violation. The student may request a meeting to review the information that was used to determine that a violation has occurred. Both the faculty member and the student have to right to request mediation services from the Office of Ombuds Services to help facilitate the discussion. The Office of Ombuds Services will serve in the capacity of third party neutral and will not be placed in a position to determine if the student has committed an act of academic dishonesty or violation of the Code of Student Conduct.

### **Student Discipline in the Classroom - Appeal Process**

The student may appeal the decision of the course instructor to the appropriate program chair. This appeal must be made in writing and received by the program chair within 5 days of the student receiving notice of the course instructor's decision. Upon receipt of the appeal, the program chair will review the appeal, hear witnesses if he/she so chooses, and render a decision. The program chair will notify both the student and the instructor of record in writing once a decision has been made. The decision of the program chair concludes the approved South Texas College appeal process for instances of student discipline in the classroom.

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

1. Affirm the action of the course instructor.
2. Dismiss, reduce, modify, or increase the penalty imposed by the course instructor.

If the student fails to submit their appeal in writing to the program chair within 5 working days of the student being notified of the instructor's decision, the instructor may then sanction the student.

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**Footnote:**

All references to "days" within this Code are calendar days.

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