

**Authority**

A college district has inherent authority to maintain order and discipline students. It may discipline students who disrupt the educational environment or who otherwise fail to abide by its standards of conduct. *Lansdale v. Tyler Junior Coll.*, 318 F.Supp. 529 (E.D. Tex. 1970); *Speake v. Grantham*, 317 F.Supp. 1253 (S.D. Miss. 1970)

A college district should adopt a student code of conduct that clearly sets out what conduct will result in discipline as well as the associated penalties. *Esteban v. Cent. Mo. State Coll.*, 415 F.2d 1077 (8th Cir. 1969); *Calbillo v. San Jacinto Junior Coll.*, 305 F.Supp. 857 (S.D. Tex. 1969)

**Disciplinary Procedure**

No governmental entity, including a college district, shall deprive any person of life, liberty, or property, without due process of law. *U.S. Const. Amend. XIV*

Students subject to discipline by the college district must be afforded the level of due process, including notice and an opportunity to respond, under the U.S. Constitution Fourteenth Amendment that corresponds with the level of the discipline. *Goss v. Lopez*, 419 U.S. 565 (1975); *Dixon v. Ala. State Bd. of Educ.*, 294 F.2d 150 (5th Cir. 1961)

Continuation of  
Disciplinary Process

If a student withdraws from a postsecondary educational institution, including a college district, prior to final resolution of the postsecondary educational institution's published disciplinary process that may result in the student becoming ineligible to reenroll for a non-academic or non-financial reason, the postsecondary educational institution may not end the disciplinary process until the postsecondary educational institution makes a final determination of responsibility, including, if applicable, a determination of whether the student will be ineligible to reenroll in the postsecondary educational institution for a non-academic or non-financial reason and shall include on the student's transcript the notation required under 19 Administrative Code 3.30(b) if, as a result of the disciplinary process, the student is ineligible to reenroll in the postsecondary educational institution for a non-academic or non-financial reason [see FJ]. *Education Code 51.9364(a), (c); 19 TAC 3.30(c)*

**Sexual Harassment,  
Sexual Assault,  
Dating Violence, and  
Stalking Allegations**

Procedural  
Protections

A postsecondary educational institution that initiates a disciplinary process concerning an allegation that a student enrolled at the institution violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking shall:

1. Provide to the student and the alleged victim a prompt and equitable opportunity to present witnesses and other evidence

relevant to the alleged violation during the disciplinary process;

2. Ensure that both the student and the alleged victim have reasonable and equitable access to all evidence relevant to the alleged violation in the institution's possession, including any statements made by the alleged victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality; and
3. Take reasonable steps to protect the student and the alleged victim from retaliation and harassment during the pendency of the disciplinary process.

*Education Code 51.286; 19 TAC 3.10*

Prohibition on  
Discipline of  
Students Who  
Report

A postsecondary educational institution, including a college district, may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. This prohibition does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith. A determination that a student is entitled to amnesty is final and may not be revoked.

This section may not be construed to limit a postsecondary educational institution's ability to provide amnesty from application of the institution's policies in circumstances not described above.

*Education Code 51.284*

Students Who  
Withdraw or  
Graduate Before  
Process Complete

If a student withdraws or graduates from a postsecondary educational institution pending a disciplinary charge alleging that the student violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

DISCIPLINE AND PENALTIES

FM  
(LEGAL)

1. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
2. Shall expedite the institution's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution.

*Education Code 51.287(a); 19 TAC 3.11(a)*

Request by Other  
Institution

On request by another postsecondary educational institution, a postsecondary educational institution shall, as permitted by state or federal law including the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, provide to the requesting institution information relating to a final determination by the institution that a student enrolled at the institution violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking. *Education Code 51.287(b); 19 TAC 3.11(b)*

Definitions

*Dating Violence,  
Sexual Assault,  
and Stalking*

"Dating violence," "sexual assault," and "stalking" mean dating violence, sexual assault, or stalking, as applicable, that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f). *Education Code 51.251(2); 19 TAC 3.3(c)*

*Sexual  
Harassment*

"Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.

*Education Code 51.251(5), .281(4); 19 TAC 3.3(e)*

**Expulsion of Certain  
Foreign Students**

The governing board of a public institution of higher education, including a college district, may expel from that institution any student who is a citizen of a country other than the United States attending the institution under a nonimmigrant visa issued by Immigration and Naturalization Service and who is finally convicted of an offense listed in Education Code 51.909, including Penal Code 28.03 (criminal mischief), 28.04 (reckless damage and destruction), 42.02 (riot), 42.03 (obstructing highway or other passageway), or 42.05 (disrupting meeting or procession). A person is

finally convicted if the conviction has not been reversed on appeal and all appeals, if any, have been exhausted. *Education Code 51.909*