Purpose

The College District exists to serve students and our community stakeholders. Students are important members of the College District environment. Each campus of the College District supports a positive educational environment designed to encourage student completion. In order to ensure the protection of student rights and the health and safety of the College District community, as well as to support the efficient operation of College District programs and services, the College District has established a Student Code of Conduct. The purpose of the Student Code of Conduct and related policies and procedures is to provide guidelines for the educational environment of the College District. The Student Code of Conduct is not meant to inhibit or prohibit educational content or discussions protected by academic freedom or the First Amendment or any other rights guaranteed by law.

The College District views students in a holistic manner, encouraging and inviting them to learn and grow independently. Such an environment presupposes both rights and responsibilities. Students should know their responsibility as members of the College District community.

Definitions

Definitions to be used in this policy, and at FM(LOCAL) and FMA(LOCAL), are as follows:

1. “Student Conduct Officer” (SCO) shall mean a College District administrator or the College District officer or officers directly responsible for student affairs in the College District.

2. A “student” shall mean an individual who is currently enrolled in the College District. This includes credit, noncredit, and dual credit students, regardless of method of delivery, as well as any prospective or former student who has been accepted for admission or readmission to the College District.

3. A “complainant” is the person who makes the allegation or complaint.

4. A “respondent” is the person against whom an allegation or complaint is made.

5. The “Student Conduct System” includes standards of conduct established to protect the educational mission of the College District while protecting the rights and responsibilities of students. Students who are accused of violating College District standards of conduct may be referred to the “Student Conduct System” for review.

6. “Campus Title IX coordinator” shall mean the College District employee responsible for administering responsibilities re-
lated to and compliance with Title IX of the Education Amendments of 1972. Each campus within the College District has a designated Title IX coordinator. [See FFDA]

7. “College District-sponsored activity” means any activity on or off campus that is initiated, aided, authorized, or supervised by the College District.

8. A “campus” means one of the campuses of the College District.

9. “College District premises” means buildings or grounds owned, leased, operated, controlled, or supervised by the College District.

10. “Business days” means those days the administrative offices of the College District are open for business purposes—Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding weekends and holidays.

11. “Published College District regulation or policy” means standards of conduct or requirements located in the:

   a. College District catalog;
   
   b. Board policies and administrative procedures as may be set forth in the College District Board Policy Manual or any amendment thereof;
   
   c. Student handbook; or
   
   d. Any other official publication of the College District.

As a member of the College District community, a student is free to take advantage of all of the educational opportunities available and to participate in all extracurricular activities sponsored by the College District for which the student is eligible. Members of the student body enjoy the same rights and privileges guaranteed to them as citizens of the United States and as residents of the state of Texas. However, by virtue of their membership in the College District community, students are under certain legal obligations in the exercise of those freedoms.

Responsibilities

Each student and student organization shall be charged with notice and knowledge of the contents and provisions of the College District’s policies, procedures, and regulations concerning student conduct (collectively, “College District Policies”), and shall be expected to abide by those College District Policies. In cases of non-compliance with College District Policies, the College District may impose discipline that is consistent with the impact of the offense on the College District community. The College District reserves
the right to pursue criminal and/or civil action where warranted. Unfamiliarity with these College District Policies shall not excuse a violation.

Electronic Media

Students shall be held to the same conduct standards in their public use of electronic media as they are for any other public conduct, and shall adhere to the rules set forth herein in their use of electronic media, as well as any and all applicable College District policies and procedures and applicable laws. Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

Standards of Due Process

The College District emphasizes the importance of fair and equitable proceedings in determining whether a violation of the Student Code of Conduct occurred. Accordingly, a student is presumed not responsible for an alleged violation of the Student Code of Conduct until a determination of responsibility based on a preponderance of the evidence (i.e., the allegation is more likely than not to be true) is made. [See FM and FMA(LOCAL)]

Prohibited Behavior

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. In addition to activities prohibited by law or by other published College District policies and regulations, the following types of behavior are expressly prohibited:

1. Failure to produce a College-District-issued photo identification card when requested by a College District official. The College District shall issue each student a photo identification card at no cost to the student. Students shall visibly wear their College District-issued identification card while on College District property or at any College District-sponsored or related activity. The identification card shall be the property of the College District. Replacement identification cards shall be assessed a fee in accordance with administrative regulations.

2. Intentionally causing physical harm to any person on College District property or premises or at College District-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.

3. Except as may be permitted in any published College District Policies or by applicable state laws, unauthorized use, possession, or storage of any weapon, as described in CHF, on College District property or premises or at College District-
sponsored activities. This includes but is not limited to firearms, tasers, stun guns, explosives, location-restricted knives, clubs, knuckles, other prohibited weapons, dangerous chemicals, or improper use of fire extinguishers on College District property or premises.

4. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on College District property or premises or at College District-sponsored activities.

5. Obstruction or disruption of teaching, lecturing, research, administration, disciplinary procedures, or other authorized activities on College District property or premises. Interference with the proper educational functions and the appropriate educational climate of the College District, including aiding and abetting another to breach the peace on College District-owned or controlled property or premises, at functions sponsored/supervised by the College District, or off-campus conduct that adversely affects the College District community and/or the pursuit of the objectives. Such activity includes, but is not limited to, behavior in the classroom (face-to-face or distance learning) or an instructional program that interferes with the instructor’s or a presenter’s ability to conduct the class or program or the ability of others to benefit from the class or program.

Behavior is considered disruptive if a reasonable person would view the behavior as being likely to substantially interfere with the instructor’s ability to conduct or control the class/program or substantially disrupt the ability of other students to benefit from the class/program or the instruction provided therein.

For purposes of this policy, “substantially disruptive” shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of instruction to address the disruptive conduct; substantially interferes “shall mean that the student has been insubordinate to the instructor or has failed to adhere to the instructor’s directive to cease the disruptive behavior.

Examples of disruptive classroom behavior may include, but are not limited to:

a. Heckling or making distracting noises;

b. Using cell phones in the classroom unauthorized;

c. Persistent speaking without being recognized;
d. Making physical threats;
e. Having unexcused and repeated tardiness; and
f. Otherwise interfering with the orderly process or respectful climate of the classroom environment.

6. Intentionally interfering with College District-sponsored activities, including but not limited to, studying, teaching, conducting research, duties of the College District administration, or fire, security, or emergency services.

7. Knowingly violating the terms of any disciplinary sanction imposed in accordance with College District policies, regulations, and procedures.

8. Intentionally or maliciously furnishing false information to the College District, including, but not limited to:
   a. Forgery, unauthorized alteration, or unauthorized use of any College District document or instrument of identification;
   b. Making, possessing, submitting, or using any falsified College District document or record; and
   c. Attempted or actual financial aid fraud or corresponding behaviors that would allow a student to receive monetary benefit for which the student is not eligible.

Altering any College District document or record without permission is expressly prohibited, including, but not limited to, furnishing false personal or student organization registration information, withholding material information from College District processes or procedures, or any other type of fraudulent act involving documentation provided to or for the College District.

9. Sexual misconduct, as defined in FFDA(LOCAL). In the event of an allegation of sexual misconduct, the SCA will coordinate with the campus Title IX coordinator and the appropriate College District departments to apply the investigative, disciplinary, and disposition procedures governing sexual misconduct. A violation of the College District’s Sexual Misconduct Policy is a violation of the Student Code of Conduct. [See FFDA series]

10. Unauthorized use of computer hardware or software or violation of the College District Technology Resources policy [see CR(LOCAL)].
11. Scholastic dishonesty, which shall constitute a violation of these rules and regulations and is punishable as prescribed by Board policies. Scholastic dishonesty shall include, but is not limited to, cheating on a test or other coursework, as assigned, plagiarism, fabrication, falsification, sabotage, and collusion.

“Cheating” shall include, but is not limited to:

a. All forms of academic dishonesty, including but not limited to facilitating academic dishonesty.

b. Copying from another student’s test paper.

c. Using test materials not authorized by the person administering the test.

d. Collaborating with or seeking aid from another student, technological aid, or electronic resource during a test without permission from the test administrator.

f. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test.

g. Substituting for another student, or permitting another student to substitute for oneself, to take a test.

h. Bribing another person to obtain an unadministered test or information about an unadministered test.

“Plagiarism,” which shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another’s work and the unacknowledged submission or incorporation of it in one’s own written work.

“Fabrication,” which shall be defined as the construction and/or addition of data, observations, or characterizations that never occurred in the gathering of data or running of experiments.

“Falsification,” which shall be defined as the changing or omission of results and data to support claims, hypotheses, or other data. Falsification may also include the manipulation of research instrumentation, materials, or processes.

“Sabotage,” which shall be defined as disrupting or destroying another person’s work so that person cannot complete the academic activity.
“Collusion,” which shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

No student may drop a course if an allegation of scholastic dishonesty is pending in the course or if the student has received a failing grade in the course based upon scholastic dishonesty.

12. Intentionally and substantially interfering with the freedom of expression or association of others on College District property or premises or at College District-sponsored activities.

13. Theft of property or of services on College District property or premises or at College District-sponsored activities or being in possession of stolen property on College District property or premises or at College District-sponsored activities. Sale, possession, or misappropriation of any property without the owner’s permission is also prohibited.

14. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.

15. Intentionally or recklessly destroying or damaging College District property or premises or property of others while on College District premises or at College District-sponsored activities.

16. Failure to comply with the direction of College District employees or officials, including but not limited to, College District police or campus security/safety officers, and instructors or administrators, acting in performance of their duties. Students are required to produce identification for a College District official when asked.

17. Violation of published College District regulations or policies. Such regulations or policies include, but are not limited to, those relating to entry and use of College District facilities, use of vehicles and media equipment, campus demonstrations, misuse of identification cards, and all forms of smoking.

18. Use, possession, distribution, manufacture, possession for purposes of distribution, or sale of any controlled substance or illegal drug on College District property or premises or at College District-sponsored activities, or being under the influence of marijuana, heroin, or narcotics or other controlled substances or illegal drugs, or alcohol, except as expressly permitted by federal or state law or College District policy or
regulations, on College District property, premises, or at College District-sponsored activities.

19. Use or possession of an alcoholic beverage on College District property or premises, with the exception of a specific beverage-related course within a College District-sponsored course of study; a course that requires the use of alcohol and is approved by the Texas Commission on Law Enforcement (TCOLE); or any College District-sponsored program or event when service of alcoholic beverages is permitted by College District policy or regulation.

20. Nonpayment or failure to pay any debt owed to the College District with intent to defraud.

(Appropriate personnel at the College District location may be designated by College District officials to notify students of dishonored checks, library fines, nonpayment of loans, and similar debts. Such personnel may temporarily block admission or readmission of a student until the matter is resolved. If the matter is not settled within a reasonable time, such personnel shall refer the matter to the SCA for appropriate action under this code. Such referral does not prevent or suspend proceeding with other appropriate civil or criminal remedies by College District personnel.)

21. Bullying, harassment, and conduct or expression (verbal or written) that threatens or endangers the health or safety of any person. Cyberbullying, which is willful harassment and/or intimidation of a person through the use of digital technologies, including but not limited to, email, blogs, texting, social websites, chat rooms, “sexting,” instant messaging, recording another person without his or her consent, and transmitting images of another person without his or her consent.

22. Stalking another person, as defined in FFDA(LOCAL). Cyberstalking, which is engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of email or other digital technologies, directed at or about a specific person, causing emotional distress to that person.

23. Discrimination and harassment as defined in FFDB(LOCAL).

24. Retaliation or retaliatory harassment, which is any adverse action taken against a person because of the person’s participation in a complaint or investigation of a complaint.

25. Engaging in hazing, which, for the purposes of this Student Code of Conduct shall be defined as an act that endangers
the mental or physical health or safety of a student, or that de-
stroys or removes public or private property for the purpose of
initiation, admission into, affiliation with, or as a condition of
continued membership in a group organization and/or sport.
No student or person associated with the College District or
attending the College District shall commit any act that in-
jures, degrades, or disgraces a member of the College District
community. The express or implied consent of the victim shall
not be accepted as a defense for violation of this policy. Apa-
thy or acquiescence in the presence of hazing is not a neutral
act; each is a violation of the Student Code of Conduct.

26. Unauthorized entry in or use of College District facilities
and/or any College District property or premises, including un-
authorized possession, duplication, or use of keys to any Col-
lege District property. Unauthorized entry into, presence in or
use of College District facilities, equipment, or property that
has not been reserved or accessed through appropriate Col-
lege District officials is prohibited.

27. The use of College District resources to infringe upon copy-
right laws (print, digital, and internet). This applies to all forms
of electronic media, including but not limited to, software,
electronic encyclopedias, image files, video files, and sound
files.

28. Conduct that is indecent or obscene, including:
   a. The use of any device to capture audio, video, or digital
      record or photograph of any person while on College
      District property or premises or at College District events
      where there is a reasonable expectation of privacy (i.e.,
      restrooms, locker rooms).
   b. The storing, sharing, and/or distributing of such unau-
      thorized records by any means.
   c. Making obscene remarks, exposing oneself in an inde-
      cent manner, urinating or defecating in public, and/or en-
      gaging in sexual activities in public places.

29. Violation of federal, state, and local laws. Engaging in conduct
    that violates any municipal or county ordinance, federal, or
    state law.

30. Violation or breach of any generally recognized and published
code of ethics or standards of professional practice that gov-
ern the conduct of a profession for which the student is taking
a course or pursuing a certificate, degree, or as an educa-
tional goal or major.
31. Misusing, failing to comply with, disrupting, or jeopardizing Student Code of Conduct procedures, sanctions/interventions, or interfering with Student Code of Conduct proceedings. Abuse of the Student Conduct System includes, but is not limited to:
   a. Failure to comply with an order or decision of the Student Conduct officer or hearing committee.
   b. Falsification, distortion, or misrepresentation of information.
   c. Disruption or interference with the orderly conduct of a hearing.
   d. Knowingly filing a false and/or malicious complaint.
   e. Attempting to influence or discourage an individual’s participation in or use of the Student Conduct System.
   f. Attempting to influence the impartiality of a member of any Student Conduct Committee, the SCO, or any other employee of the College District responsible for or participating in the administration of student conduct prior to, during, and/or after a student conduct proceeding.
   g. Any form of harassment (and/or intimidation) of a member of the Student Conduct Committee, the SCA, or a College District representative prior to, during, and/or after a student conduct proceeding.
   h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
   i. Influencing or attempting to influence another person to violate or otherwise abuse the Student Conduct System.

**Amnesty**

Sexual Misconduct

The College District shall grant, to a student who reports in good faith that the student was the victim of or a witness to an incident of sexual misconduct, amnesty (i.e., not pursue disciplinary action against) for a violation by the student of the Student Code of Conduct occurring at or near the time of the incident. This policy shall apply irrespective of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident, if any. This provision shall not apply to students who report their own commission or assistance in the commission of sexual misconduct.

The Chancellor shall promulgate procedures for the provision of amnesty.
The College District reserves the right to impose interim disciplinary suspension and/or other restrictions when such action is deemed necessary to ensure the safety and well-being of the campus community and/or the safety of the student; to alleviate a threat; and/or when the behavior significantly disrupts or interferes with the learning environment and/or operational functions of the College District. Interim actions may include, but are not limited to:

1. Suspension;
2. Restriction from classes and/or facilities;
3. Contact restrictions; and/or
4. Limitations on participation in organization meetings, events, and/or activities.

The Associate Vice Chancellor of Student Success or a designee is responsible for determining appropriate interim actions. [See FM(LOCAL)]

The Associate Vice Chancellor of Student Success may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated the Student Code of Conduct or any other policy or procedure of the College District that would reasonably allow for the imposition of such a sanction. The Associate Vice Chancellor may take such action, pending a hearing or resolution by administrative disposition for an alleged violation of this Student Code of Conduct and/or exhaustion of appellate rights under applicable College District policies and procedures, if the Associate Vice Chancellor or a designee has provided the student an opportunity to respond to the allegations and, in the opinion of the Associate Vice Chancellor, the best interests of the College District would be served by this action, or, in the case of an allegation of sexual misconduct, as may be required by law. In such cases, the College District shall notify the student in writing of implementation of any such hold.

A student who withdraws or graduates from the College District with an investigation or hearing pending for an alleged violation of this Student Code of Conduct shall remain subject to the processes outlined in this policy, as well as those included in FM(LOCAL), FMA(LOCAL), and the FFDA series.

A student found to be in violation of a College District policy, procedure, regulation, or administrative rule (collectively “College District Policies”) may be subject to one or more of the disciplinary sanctions provided herein. A “violation” means an act or omission that is contrary to published College District Policies, including but not limited to, any violation of this Student Code of Conduct. Sanctions
are designed to promote the College District’s educational mission and enhance the safety of the College District environment. Sanctions may be punitive in nature, but whenever possible, they are intended to create an educational outcome.

Some behavior such as repeated or aggravated violations of any provision of the Student Code of Conduct are so harmful or disruptive to the College District community that it may require more serious sanctions, such as expulsion or suspension or in the imposition of such lesser penalties as are appropriate. “Aggravated violation” means a violation that resulted or could have resulted, if foreseeable, in significant damage to persons or property or that otherwise posed a substantial threat to the stability and continuance of normal College District-sponsored activities.

The following factors are generally considered when determining sanctions for a particular case:

1. The nature of the violation(s);
2. Prior findings of responsibility and sanction(s);
3. Mitigating circumstances surrounding the violation;
4. If relevant and supported by evidence, the student’s motivation(s) for engaging in the behavior;
5. Impacts of the behavior;
6. Sanctions that have been imposed in similar cases in the past; and
7. The developmental and educational impact on the student.

Administrative sanctions are more formal actions and may impact a student’s access to or ability to participate in academic and social opportunities or programs. Administrative sanctions may be assigned independent of or in conjunction with educational sanctions. An administrative sanction imposed at one campus of the College District shall apply to all campuses of the College District.

The following administrative sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

1. Written warning — A notice in writing to the student that the student is violating or has violated institutional policies and/or regulations.
2. Probation — A designated period of time that includes the probability of more severe disciplinary sanctions if the student is found to have violated any institutional policies and/or regulation(s) during the probationary period.
3. Grade Modification — A failing grade (a grade of “F”) may be given to a student for a course or assignment in which the student was found responsible for scholastic dishonesty, along with other sanctions, as appropriate. If a student withdraws from a course in which disciplinary action is pending and is ultimately found responsible for scholastic dishonesty under applicable College District policies and procedures, the grade sanction will replace a notation of withdrawal on the student’s transcript.

4. Loss of privilege/restriction — Denial of specified privilege or access for a designated period of time.

5. Restitution — Reimbursement for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

6. Suspension — Separation of the student from the College District for a definite period of time after which the student may be eligible to return. Conditions for readmission may be specified.

7. Suspension of Eligibility — Prohibits, during a period of suspension, the student on whom it is imposed from joining a registered student organization; taking part in a registered student organization’s activities or attending its meetings or functions; and from participating in an official athletic or non-athletic extracurricular activity. Such suspension may be imposed for any length of time up to one calendar year.

8. Removal from program of study — The student may also be subjected to disciplinary procedures set forth by specific programs with specialized admissions requirements.

9. Expulsion — Permanent suspension of the student from the College District.

10. Conditional Reenrollment — If a student is suspended or expelled from the College District, the student is not eligible for continued or re-enrollment unless the student meets all conditions stipulated and explained in the letter of suspension or expulsion. In extraordinary circumstances, a student may submit an appeal of the condition to the Associate Vice Chancellor for Student Success.

Educational Sanctions

Educational sanctions are designed to include developmental and restorative activities related to specific acts of misconduct and do not, on their own, impact a student’s access to ability to participate in academic and social opportunities or programs. These sanctions
take into account a student’s learning style and stage of development, as well as the unique factors of a given situation. The goals of educational sanctions are to reduce the probability of repeated behavior, give students the opportunity to demonstrate personal growth, and appropriately challenge students. Educational sanctions may be assigned independent of or in conjunction with administrative sanctions. They include:

1. Reflective Activity – An assignment designed to help students reflect on their decisions and identify strategies to prevent recurrence. Examples include, but are not limited to: writing assignments, letters of apology, completion of an assigned online module, research paper, and/or reflection paper on assigned readings, videos, or assessments. Completion is recognized by a student’s fulfillment of the objective requirements of the assignment, not on whether the student adopts or expresses a particular perspective or viewpoint.

2. Reflective Workshop – Requires attendance at an assigned College District-sponsored meeting, educational session, and/or campus workshop on topics including, but not limited to, ethical decision making, personal responsibility, and improving coping skills.

3. Life-Skills Coaching – Requires a series of meetings with a designated College District employee, each designed to address specific behaviors that are negatively impacting the learning environment, identify appropriate resources, and monitor the student’s progress in repairing harm to the community. The student may be required to attend multiple sessions and provide proof of active participation. Potential topics include anger management, interpersonal skills, and alcohol or drug counseling.

4. Counseling – Completion of an assessment with a licensed counselor as well as documentation of learning about possible resources for follow up.

5. Deferred Suspension – Designated period of time during which a student, while continuing to be enrolled before beginning a period of suspension, is given an opportunity to demonstrate the ability to abide by the Student Code of Conduct. During this period of time, a student must successfully complete all assigned sanctions, which typically includes meeting one-on-one with a licensed counselor or social work for behavioral interventions.
Disciplinary Records

The College District will maintain a permanent written disciplinary record for every student assessed the sanction of suspension, expulsion, denial or revocation of a degree, dismissal from an academic program, or withdrawal of a diploma. Suspension is also noted on the official transcript during the term of suspension. The notation can be removed upon the request of the student when all conditions of the suspension are met. The request for the removal of the transcript notation of suspension should be directed to the Dean of Students. A permanent notation of expulsion is also placed on the official transcript. A written record of any other cases for which there is a determination of responsibility for violation of this policy will also be maintained by the College District in accordance with College District record retention policies and applicable laws. A student's disciplinary record will reflect the nature of the charge, the sanction assessed, and any other pertinent information. The contents of a student’s disciplinary record may be made available to persons outside the College District only upon written request of the student or in accordance with applicable state and federal laws.