

Code of Student Conduct and Discipline

Responsibility for Knowledge of Policies, Rules, and Regulations

The Code of Student Conduct is subject to change by action of the Board of Trustees. Each student should be familiar with all published policies, rules and regulations of the college. Copies of such documents will be available to the student for inspection in the Student Services offices. The student is responsible for obtaining published materials to update the items in this code. Each student is expected to comply with the college's established policies, rules and regulations as well as federal, state, and local laws. This principle extends to conduct off campus which is likely to have adverse effect on the college, or on the educational process, or which characterizes the offender as an unfit associate for the other students.

Student Misconduct

Each student is expected to act in a manner consistent with the college's functions as an educational institution. Any individual or student organization found to have committed the following misconduct while classified as a student or as a registered student organization is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. Alcohol

- a. Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages and/or containers, except as expressly permitted by college policy.
- b. Being under the influence of alcohol and/or intoxication as defined by federal, state, and/or local law.

2. Narcotics or Drugs

- a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance, except as permitted by federal, state, and/or local law.
- b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and/or local law.
- c. Being under the influence of narcotics, drugs, medicine prescribed to someone else, chemical compound or other controlled substance, except as permitted by federal, state, and/or local law.

3. Academic Dishonesty

"Academic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student.

- a. Cheating on academic work includes:
 - 1 Copying another student's test paper in academic work;
 - 2 During a test, using materials that are not authorized by the test administrator;
 - 3 Failing to comply with instructions given by the person administering the test.
 - 4 Possession during a test of materials that are not authorized by the person giving the test, such as class notes, specifically designed "crib" notes, and/or the utilization of electronic devices to deliver and/or receive answers. The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test.
 - 5 Using, buying, selling, stealing, transporting, or soliciting the contents of an un-administered test, test key, homework, solution or computer program.

- 6 Collaborating with, seeking aid or receiving assistance from, another student or individual during a test or in conjunction with other assignment without authority.
 - 7 Discussing the contents of an examination with another student who will take the examination.
 - 8 Divulging the contents of an examination for the purpose of preserving questions for use by another when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student.
 - 9 Substituting for another person, or permitting another person to substitute for oneself to take a course, a test or any course-related assignment.
 - 10 Having another person obtain an un-administered test, test key, homework solution or computer program, or information about an un-administered test, test key, homework solution or computer program.
 - 11 Falsifying research data, laboratory reports, class observations verification forms and/or other academic work offered for credit.
 - 12 Taking, keeping, misplacing or damaging the property of the college, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
 - 13 Possession at any time of current or previous test materials without the instructor's permission.
- b. **"Plagiarism"** includes, but is not limited to, the appropriation of buying, receiving as a gift or obtaining by any means, material that is attributable in whole, or in part, to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting the material as one's own academic work being offered for credit.
 - c. **"Collusion"** is defined as the unauthorized collaboration with another person in preparing written work for credit.
 - d. **"Falsifying academic records"** includes, but is not limited to, altering or assisting in the altering, of any official record of the college and/or submitting false information or omitting requested information that is required or related to, any academic record of the college. Academic records include, but are not limited to, applications for admission, the awarding of a degree and/or certificate, grade reports, test papers, registration materials, grade change forms, grade check forms, and reporting forms used by the Office of the Registrar.
 - e. **"Misrepresenting facts"** to the college or an agent of the college includes, but is not limited to, providing false grades or resumes; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; or providing false or misleading information in an effort to injure another student academically or financially.
 - f. All questions of academic dishonesty are first considered and reviewed by the faculty member. If the student does not accept the decision of the faculty member, the next step will be to appeal to the division chair. If the student disagrees with the decision of the division chair, the student's case may then be referred to the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies for normal disciplinary procedures as outlined in Section F. The student will be allowed to remain in class until the process is exhausted, except as provided under Section K.

4. Inappropriate Behavior

The college provides evaluation, referral, and appropriate treatment (within the parameters of available college resources) for students displaying inappropriate behavior. In some instances, a student's behavior may be beyond the scope of these services and require consideration of termination of enrollment for medical reasons.

- a) Definitions
 1. Inappropriate behaviors are overt actions, omissions to act, or verbal or written statements that would not be consistent with the actions or statements of a reasonable, prudent person under similar circumstances.
 2. Inappropriate problems include, but are not limited to, behaviors resulting from possible physical, drug related, or psychological disorders which may pose a potential harm to the physical well-being of the student or others, and/or cause significant disruptive activity to the normal functions of the college.
 3. An inappropriate behaving student is interpreted to include, but not be limited to, a student exhibiting any of the behaviors described above.
- b) In any instance where the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies, in consultation with other college officials, determines that a student's behavior is disruptive to normal college functions, and/or presents a threat of harm or bodily injury to himself or herself or others, the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies may recommend to the Big Spring Provost, the SWCID Provost, or the San Angelo Provost that the student be temporarily suspended from the college.
- c) If the Big Spring Provost, SWCID Provost, or San Angelo Provost concurs with this recommendation, the student will be temporarily suspended until a hearing can be held to determine whether the suspension should be made permanent or until certain medical conditions for reinstatement are met.
- d) When a student is suspended or withdrawn for health reasons, a registration hold will be placed on the student's readmission to the college. This registration hold will remain in the student's records until the Big Spring Provost, SWCID Provost, or San Angelo Provost approves the student's request for readmission.
- e) Readmission Procedures and Appeals
 1. A student who has had a registration hold placed on his or her readmission for health reasons must request readmission clearance from the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Support Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies at least three (3) weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student may be required by that office to submit medical evidence supportive of his or her present health and emotional stability to function properly in a college environment. The Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director

of Correctional Studies, in consultation with other college officials, shall evaluate the student's request and supporting evidence. Primary consideration will be given to the satisfying of all conditions specified at the time of suspension or withdrawal for the readmission of the student to the college. If approval is granted for the removal of the registration hold, the student must then complete the regular readmission procedures required by the Registrar's Office.

2. If approval for readmission is not granted, the student may appeal that decision to the Big Spring Provost, SWCID Provost or the San Angelo Provost. The appeal must be made in writing, within five (5) college working days of the date the student was notified by the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies that his or her request for readmission was denied.
3. The Big Spring Provost, SWCID Provost, or San Angelo Provost will inform the student that he or she is entitled to a hearing. This hearing shall be held within five (5) college working days if at all possible. The Big Spring Provost, SWCID Provost, or San Angelo Provost or his or her designated representative will conduct the hearing. Following the hearing, the Big Spring Provost, SWCID Provost, or San Angelo Provost shall either sustain the decision of the Student Services Administrator, or shall overrule the decision and allow the student to re-enroll in the college. The Big Spring Provost, SWCID Provost, or San Angelo Provost shall notify all parties of this decision, in writing, within three (3) college working days following the completion of the hearing.

5. Firearms, Weapons and Explosives

- a) Unauthorized use or possession of ammunition, firearms, or other illegal weapons on college property.
- b) Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid or flammable object which could cause damage by fire or explosion to persons or property on college property.

6. Flammable Materials/Arson

- a) Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used for fire.
- b) Attempting to ignite and/or the action of igniting college and/or personal property on fire either by intent or as a result of reckless behavior which results in damage of college premises/property.

7. Theft, Damage or Unauthorized Use

- a) Attempted or actual theft of property or services of the college, of other college students or other members of the college community or of the campus visitors.
- b) Possession of property known to be stolen or belonging to another person without the owner's permission.
- c) Attempted or actual damage to property owned or leased by the college, of other college students, of other members of the college community or of campus visitors.
- d) Attempt of actual unauthorized use of credit card, debit card, student identification card, cell phone, personal identification number, test number, campus connect account and/or personal check.
- e) Alteration, forgery or misrepresentation of any form of identification.
- f) Possession or use of any form of false identification.

8. Actions Against Members of the College Community

- a) Physical harm or threat of harm to self or others.
- b) Intentional or reckless conduct which endangers the health or safety of self or others.
- c) Behavior that disrupts the normal operation of the college including its students, faculty and staff.
- d) Sexual misconduct that involves, but not limited to:
 - 1. Deliberate touching of another's sexual parts without consent.
 - 2. Deliberate sexual invasion of another without consent.
 - 3. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of/or sexual injury.
 - 4. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's (1) academic pursuits, college employment, participation in activities sponsored by the college or organizations or groups related to the college or opportunities to benefit from other aspects of college life.
- e) Excessive pressure, threats or any form of conduct, coercive tactics or unwanted mental coercion techniques used to retain or recruit a student for membership in an organization/club.

9. Gambling, Wagering, Gaming or Bookmaking

Gambling, wagering, gaming or bookmaking on college premises or with college equipment as defined by federal, state and/or local law is prohibited.

10. Hazing

- a) Engaging in hazing or submitting to hazing by volition. Hazing is considered an act that endangers the mental or physical health or safety of a student for the purpose of getting into or staying in an organization including physical brutality, physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, etc., any activity involving consumption of a food, liquid, alcoholic beverage, drug or other substance that subjects the student to an unreasonable risk of harm, any activity that intimidates or threatens with ostracism, subjects to extreme mental stress, shame or humiliation and/or any activity that induces, causes or requires a student to perform a duty or task that involves a violation of the Penal Code. Hazing is a Class B misdemeanor (fine not to exceed \$1500, jail term not to exceed 180 days or both) if a person participates, permits hazing to occur or knows of a plan and fails to report. If hazing causes serious bodily injury, the offense is a Class A misdemeanor (fine not to exceed \$3000, confinement in jail not to exceed one year or both). If an offense causes death, it is a state jail felony (confinement in community correctional facility for any term of not more than 1 year; possibility of community service under community supervision in lieu of confinement in county jail; and possibility of fine not to exceed \$10,000 in addition to confinement). An organization can be fined.
- b) Initiation by an organization which includes any harmful, dangerous, or degrading act to a student.

11. False Alarms or Terroristic Threats

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation

of fire sprinklers/hydrants, filing false police reports, improperly possessing tampering with or destroying fire equipment or emergency signs on college premises.

12. Financial Irresponsibility

Failure to meet financial obligations owed to the college, or components owned operated by the college, including, but not limited to, the writing of checks on accounts with insufficient funds.

13. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of college premises or equipment.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, college identification card or access code for use in college premises or equipment.
- c. Unauthorized use of the college name, logotype, symbols of the college; however, registered student organizations are permitted to use the work "Howard College" or "HC" as part of their organizational name or to use the complete statement "a student organization at Howard College."
- d. Unauthorized use of the college's name to advertise or promote events or activities in a manner which suggests sponsorship and/or recognition by the college.

14. Traffic & Parking

- a. Violation of college Traffic and Parking regulations.
- b. Obstruction of the free flow of pedestrian traffic on college premises.

NOTE: The Big Spring Student Services Office has a Parking Brochure outlining traffic and parking procedures for the Big Spring campus.

15. Housing Regulations

Violation of rules that govern behavior in the Residence Halls and/or dining halls are stated in the Residence Hall Supplement.

16. Student Recreation and Intramural Regulations

- a. Violations of rules that govern behavior in the HC/SWCID Recreation Centers, including the Dorothy Garrett Coliseum.
- b. Please see Appendix F for specific procedures and policies governing Intramurals.

17. Failure to Comply

- a. Oral or written avocation or recommendation of conscious and deliberate violation of any federal, state, or local law.
- b. Failure to abide with a college or campus official's directive that is given within the official's acting capacity.
- c. Failure to notify the Registrar's office of change in official mailing address or giving false or fictitious address to such office.
- d. Failure to present student identification on request to any college official and/or identify himself/herself to any college official acting in the performance of his/her duties.

18. Providing False Information or Misuse of Records

Knowingly furnishing false information to the college, or to a college official in the performance of his/her duties, either verbally or through forgery, alteration or misuse of any college document, record or instrument of identification.

19. Skateboards, Rollerblades, Scooters, Bicycles or Similar Devices

Use of skateboards, rollerblades, scooters, bicycles or other similar devices in college buildings. The use of these items on college premises in such a manner as to constitute a safety hazard or cause damage to college or personal property.

20. Violation of Published College Policies, Rules and Regulations

Violation of any published college policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of College Operating Policy and Board of Trustees Policy and Procedures and College Rules.

21. Violations of Federal, State and/or Local Laws

- a. Misconduct which constitutes a violation of any provisions of federal, state, and /or local laws.
- b. Conviction of Misdemeanor or Felony - Obedience to the law being a primary duty of the citizen, the conviction of a student for violation of law renders the student also subject to disciplinary action on the part of the college. Institutional authority will not be used to duplicate the function of general laws. Students who have been convicted of misdemeanors that come to the official attention of the college can expect to have their status within Howard College/SWCID reviewed if their behavior has brought discredit upon themselves, fellow students, or the college. Publicity of the behavior and association of the name of the college with the act or the student involved enhances the possibility of college disciplinary action. A student who endangers one's life or the lives of others while violating the law will be subject to disciplinary action from the college. If a student pleads guilty to a charge or is convicted of a felony offense, the student will automatically be subject to having one's status at the college reviewed and may face disciplinary action in the process.
- c) Students who are under indictment by a grand jury and have posted an appeal bond may remain in the college pending the verdict of the trial. If the college has an interest in the case, action taken by the college will be delayed until after the trial has been held. When a student's situation warrants special consideration, one's status will be reviewed as to the appropriateness of remaining on campus as a member of the student body.

22. Abuse of the Discipline System

- a) Failure to respond to an administrative official's summons within the designated time.
- b) Falsification, distortion or misrepresentation of information in disciplinary proceedings.
- c) Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d) Filing an allegation known to be without merit.
- e) Discouraging or attempting to discourage an individual's proper participation in or use of the discipline system.
- f) Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.
- g) Harm, threat of harm or intimidation either verbally, physically or written, of a member of a disciplinary body prior to, during and/or after disciplinary proceeding.
- h) Influencing or attempting to influence another person to commit an abuse of the discipline system.
- i) Retaliation against any person or group who files grievances or provides evidence, testimony or allegations in accordance with the Student Handbook.
- j) Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under the *Code of Student Conduct*.
- k) No student suspended from the college shall be permitted on a college campus during the entire period of the suspension, except when summoned by an administrative official of the college or by previously arranged official appointment.

23. Citizenship

- a) Bad Checks and Unpaid Bills - Each student should be honorable in all financial dealings with businesses and individuals off campus. The college views financial dealings between

students and businesses as a private transaction between the two parties. The college will not collect bad checks or bad debts that students have incurred for businesses or individuals; however, businesses will be provided with the names and addresses of students upon written request according to District Policies.

- b) Representing Howard College/SWCID - Students of Howard College/SWCID should remember that when groups of individuals are off campus, one's acts are viewed as the acts of Howard College/SWCID students and not as the act of private individuals. Students who come to the official attention of the college as a result of misbehavior may be subject to disciplinary action. Students come to the official attention of the college in several ways. Most often, outraged citizens call a member of the administrative staff and complain about something students have done. Sometimes newspapers publish accounts of the misdeeds of Howard College/SWCID students.
- c) Students Visiting Other Campuses - Students who visit other campuses are expected to be circumspect in their behavior. When it becomes necessary for an official of another school to register a complaint about the behavior of a Howard College/SWCID student, that student can expect to become involved in disciplinary proceedings.
- d) Campus Visitors - Non-members of the college community, who have not been duly invited nor authorized to use college facilities, who repeatedly visit or spend a large portion of their time on the college campus, are not welcome and will be asked to leave. Loitering, by non-members of the college community, in the facilities of the college or on the college campus, substantially interferes with the normal activities of the college.
 - 1. Non-members of the college community are required while on the campus to observe and comply with the rules and regulations adopted by the college and/or Board of Trustees. Non-members of the college community are also required while on the campus to identify themselves upon the request of a college official or security officer or other law enforcement officer in the performance of his or her duty.
 - 2. The college campus is not a sanctuary and any person who violates any state law shall not be protected nor given any preferred status in the eyes of the law by reason of the fact that the violator is a member of the college community.
 - 3. When it appears to the President, or any college official who has been authorized and designated by the President to maintain order, that any non-member of the college campus has violated, on the campus, any state or federal law or any college rule or regulation, such person or persons may be ordered by such official to leave the college campus, and should the college see fit, charges may be filed against such person or persons. The President may make due application to any court for injunction or other judicial relief in regard to the threatened or actual violation of any of the above mentioned rules and regulations.

24. Smoking

Smoking or other use of tobacco products is prohibited in all Howard College/SWCID entrances/door ways, facilities and vehicles.

25. Animals on Campus

Animals on campus must be on a leash or be otherwise under the direct and positive control of the owner. Animals are not allowed in the residence halls without approval of the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, or the Campus Dean of Student Services/WTTC Director on the San Angelo campus.

Administration of Disciplinary Procedures

The Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa or their appointed official shall have primary authority and responsibility for the administration of student discipline. The Bureau Prison disciplinary procedures will be enforced with students at Correctional Facilities. Investigations or allegations that a student has violated Board policy, college rules or regulations, or administrative official's specific orders and instructions issued in the course of official duties will be the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies responsibility or a designated appointee's responsibility.

Upon receipt of a report alleging misconduct, the student may be summoned by the Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies or designated appointee. A second summons will be sent if necessary. If a student fails to report after two notices, the result may be suspension from the college.

The Dean of Student Services on the Big Spring campus, the SWCID Dean of Student Affairs, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies or designated appointee shall determine if reported allegations are founded. If after discussion with the student and determination that the charges are founded, and if the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures, the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), or appointee shall assess the penalty appropriate to the charges and inform the student of such action in writing. The decision of the administrative official as to a particular penalty may be reviewed.

If the student disputes the facts upon which the charges are founded and does not waive the right to a hearing or appeals the administrative decision, the student must request in writing on or before the third day following administrative disposition the desire for a hearing. The administrative official shall prepare a written statement, which shall include:

1. The alleged violation and charges against the student;
2. Any information or evidence that will be used in the disciplinary hearing;
3. A statement of penalties which may be imposed if the charge is proven;
4. The fact that the student may be accompanied by a representative at the hearing;
5. The fact that evidence may be presented in the student's behalf;
6. The time, date, and meeting place of the hearing.

The written statement shall be sent to the accused student by certified mail, return receipt requested, addressed to the address appearing in the Registrar's records, or shall be hand delivered with the student signing a receipt.

Student Disciplinary Hearings

If the accused student disputes the facts upon which the charges are founded or disputes the penalty while accepting the facts, the student shall have the opportunity, if the student so desires, and provided the following procedures are followed, to have the charges or penalty heard and determined by the Student Discipline Committee:

1. The composition of the Student Discipline Committee shall be a member of the administration as appointed by the President, two faculty members, two students, and one administrator. The

Student Discipline Committee will be subdivided into three committees: Big Spring, SWCID, and San Angelo.

- a. The member of the administration as appointed by the President will be the chairman or administrative purposes. (The Chairman will vote only in case of a tie.)
 - b. Faculty members and administrative members are appointed by the Chairperson.
 - c. Student participants will be appointed by the Chair Person.
 - d. For a given case, the campus hearing committee of the student involved will hear the case. If necessary, a Student Discipline Committee member can replace a hearing subcommittee member on any campus.
2. Prior to making a formal request to the Student Discipline Committee for a hearing on the charges or penalty, and as a condition for such hearing, the student shall have had a pre-hearing conference with the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), the Director of the Lamesa Campus or the appointed administrative official. Upon completion of the pre-hearing conference, the administrative official will inform the student that if the student wishes to have a hearing, the student must, within 72 hours, complete and submit to the Student Discipline Committee a written request for review.
 3. Except in those cases where immediate interim disciplinary action has been taken under authority of the Student Grievance Procedures the accused student shall be given at least five (5) class days written notice by the Director Student Services on the Big Spring campus, the SWCID Dean of Students, the Campus Dean of Student Services/WTTC Director on the San Angelo campus, the Campus Director on the Lamesa; or the Executive Director of Correctional Studies of date, time, and place for the hearing. Hearings held under the Student Grievance Procedures will be held under the same procedures set below, but will be held as soon as practical within ten (10) class days after the disciplinary action has been taken unless otherwise agreed to by the student.
 4. The student discipline committee has the authority to summon witnesses. Refusal to obey the summons may subject the student witness, if so recommended by the committee, to disciplinary action by the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo) or the Director of the Lamesa Campus.
 5. In cases where the student disputes the facts, previous disciplinary records of a student may not be used in the hearing until after determination of guilt has been made. However, if the hearing committee finds the student guilty, the previous record may then be introduced to be considered in assessing penalties. In cases where the student appeals the penalty, previous disciplinary records may be introduced and considered at any time during the hearing.
 6. Both parties (Dean of Student Services - Big Spring, Dean of Student Service Affairs- SWCID, Campus Dean of Student Services/WTTC Director-San Angelo, the Director of the Lamesa Campus, or designated appointee and the accused student) will exchange lists of witnesses, expected testimony, and copies of documents to be introduced at least two (2) class days prior to the hearing.
 7. Each party may be accompanied by a representative at the hearing for advisory purposes only. The student's representative/advisor may be a legal counselor only if the student has pending criminal charges against him/her on the same fact. If the institution uses a legal counselor, the student will be afforded the same right. The student will be notified of this intent at the time the student is notified of the hearing.

8. The hearing shall be closed to the public.
9. The accused student must attend the hearing if the student desires to present evidence in his/her behalf.
10. The following general procedures shall be observed:
 - a. The chairman shall outline the hearing procedure, advise the student of the right to make a statement, the right to call and question witnesses, and the right to have a chosen advisor present. The chairman will read the charges.
 - b. The chairman shall review the allegations that were the basis of the disciplinary action.
 - c. The Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), the Director of the Lamesa Campus, or designated appointee will make a formal statement and may be asked questions by the committee and the student.
 - d. The student will make a formal statement and may be asked questions by the committee and the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), the Director of the Lamesa Campus, or appointed official.
 - e. The Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), or the Director of the Lamesa Campus will introduce witnesses who may be questioned by the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), accused student, or committee. Upon the conclusion of questioning, each witness shall leave the meeting room. In like manner, the student may present witnesses and the same procedure shall be followed.
 - f. After hearing all witnesses, the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), or the Director of the Lamesa Campus along with the student may make concluding statements.
 - g. The chairman shall invite the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), or the Director of the Lamesa Campus and the student to leave the room. The committee shall deliberate and voice opinions. Student members' opinions shall be heard prior to those of administrative faculty committee members.
 - h. A secret ballot will then be taken deciding (a) that the student has violated standards of acceptable conduct, as charged, or (b) that the student has not violated standards of acceptable conduct, as charged. A majority vote will control. If the committee finds that the student has violated standards of acceptable conduct, as charged, it shall assess a penalty or penalties, as prescribed in Section E.
 - i. In cases of Academic Dishonesty where the committee finds the student violated the standards of acceptable conduct, the committee shall accept the recommended penalty of the faculty member in whose class the offense occurred unless the committee finds, by a majority vote, that such recommended penalty is unfair in the light of the evidence. It shall then assess a penalty or penalties as prescribed in Section E.
 - j. The hearing will be recorded. If either party desires to appeal the finding, the record will be transcribed or summarized and both parties will be furnished a copy of the transcript or summary.

Penalties That May Be Imposed

1. Verbal or written warning.
2. Completion of a special project which may include, but is not limited to, writing an essay, attending a special class or lecture, attending counseling sessions, or studying in the library. The special project may be imposed only for a definite time.
3. Notify parents of students who are 21 years of age or under when the student is found in violation of the Code of Student Conduct due to alcohol and/or drugs.
4. Cancellation of residence hall or apartment contract.
5. Ineligibility for election to student office for a specified period of time.
6. Removal from student or organization office for a specified period of time.
7. Prohibition from representing the college in any special honorary role.
8. Restitution whether monetary or by specific duties or reimbursement for damage to or misappropriations of college, student, or employee property (see fine list).
9. Suspension of rights and privileges, including participation in athletic, extracurricular, or other student activities, for a specified period of time.
10. Withdrawing from a course with a grade of "W" (recorded on the permanent transcript).
11. Failing or reduction of a grade in test, course, or other academic work and/or retaking of test, course, or other academic work and/or performing additional academic work not required of other students in the course (course action recorded on permanent transcript).
12. Loss of or ineligibility for student grant or loan.
13. Disciplinary probation imposed for a definite period of time, which stipulates that future violations may result in disciplinary suspension.
14. Withholding of official transcript or degree.
15. Bar against readmission.
16. Denial or non-recognition of degree.
17. Blocking a student from enrolling until the student performs a specific act.
18. Suspension from the college for a specified period of time. During suspension, a student shall not attend classes or participate in any college campus activities (recorded on the permanent transcript).
19. Expulsion from the college (recorded on the permanent transcript).

Student Grievance Procedures

General Grievance Policy

Prior to filing a formal grievance, students are encouraged to attempt to resolve the concern directly with the individual(s) involved. Students will find that most situations can be effectively addressed in this manner. In general, students wishing to review the action of an individual or departments should direct their questions to the persons responsible for the individual or department. Procedures for handling specific concerns are outlined below.

Student Disciplinary Hearing Appeal

Within five class days after the decision has been made by the Hearing Committee, either or both parties may give notice of appeal to the President.

Student Disciplinary Hearing Grounds for Appeal

1. In general, appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary process.
2. The specific questions for the review, which should be addressed in any written appeal, are the following:
 - a. Were the procedures of this Code of Student Conduct followed?
 - b. If a procedural error was committed, were the rights of the accused materially violated?
 - c. Was the hearing (if requested by the accused) conducted in a way that permitted the accused an adequate opportunity to present a defense?
 - d. Was the evidence presented at the hearing substantial enough to justify the decision reached?

The decision will be reviewed upon the basis of the transcript or summary of the hearing. Both parties may, at the discretion of the committee, submit oral or written arguments to support their positions. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written arguments, when appropriate, must be filed with the committee within ten (10) class days after notice of appeal is given.

Review by Disciplinary Appeals Committee and the President

The Disciplinary Appeals Committee may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. Either or both parties may then give notice of appeal of any decision other than a disciplinary warning or probation to the President within five (5) class days after the decision has been rendered by the Disciplinary Appeals Committee. The President may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

Interim Disciplinary Action

The Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), the Big Spring Provost, SWCID Provost, San Angelo Provost, Lamesa Campus Director, Prison Education -Executive Director Correctional Studies or the President of the college may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule or regulation of the college when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the academic process. In such cases, the Dean of Student Services (Big Spring), the Dean of Student Affairs (SWCID), the Campus Dean of Student Services/WTTC Director (San Angelo), the Director of the Lamesa Campus or his/her designated representative shall, if possible, meet with the student prior to suspension, discuss the reasons for interim suspension and allow the student to explain his reasons for not being suspended pending a full hearing.

Immediate interim disciplinary action, including blocking of a student from re-enrollment and/or official transcripts, may be taken against any student who has outstanding financial obligations to the college. The student has the right to immediately discuss the blocking for re-enrollment and/or official transcripts with the Registrar who will immediately refer the student to the appropriate blocking department for a discussion of the reason or reasons for

the block. The student may thereafter request the case be reviewed pursuant to the normal disciplinary procedures in Section D.

Recording of Disciplinary Action

The college shall maintain confidential records of all disciplinary actions. The college may expunge those records within five (5) years after the student ceases to be enrolled.

Personal Records

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy which is detailed in Part III, I, of this handbook.

Employment

A student wishing to pursue a grievance concerning employment with the college and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Personnel Office within 30 days of the alleged violation.

Grades

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Grades may be formally appealed according to the Academic Hearing procedures, found in Appendix C of the Student Handbook.

Students with Disabilities

Students with grievances related to discrimination on the basis of a qualified disability related to instructional issues may contact the Dean of Student Services (Big Spring), Dean of Student Affairs (SWCID), Campus Dean of Student Services/WTTC Director (San Angelo), Campus Director (Lamesa), Executive Director Correctional Studies. The procedures for addressing these complaints are in Appendix A & B of this document.

Race, Color, National Origin, Age Religion, Veteran Status Discrimination

Grievances related to discrimination on the basis of race, color, national origin, age, religion, veteran status or other legally protected status should be pursued through the Dean of Student Services (Big Spring), Dean of Student Affairs (SWCID), Campus Dean of Student Services/WTTC Director (San Angelo), Campus Director (Lamesa), Executive Director Correctional Studies. The procedures for addressing these complaints are in Appendix A & B of this document.

Sex Discrimination

Discrimination on the basis of sex in college programs, activities or employment, respectively, are prohibited under Title IX of the Higher Education Amendment of 1972, Title VII of the Civil Rights Act and the Texas Human Rights Act. Complaints concerning the violation of these acts should be directed to the Dean of Student Services (Big Spring), Dean of Student Affairs (SWCID), Campus Dean of Student Services/WTTC Director (San Angelo), Campus Director (Lamesa), Executive Director Correctional

Studies. Employment complaints on the basis of sex should be pursued through the Director of Human Resources. The procedures for addressing these complaints are in Appendix A & B of this document.

Sexual Harassment and Sexual Violence

Use of the term “sexual harassment” includes sexual violence unless otherwise noted. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment and are covered under Title IX of the Education Amendments of 1972.

The College encourages students who believe they have been sexually harassed by other students or employees to come forward with allegations of sexual harassment or misconduct, regardless of where the conduct may have occurred. College officials or their agents shall investigate promptly all allegations of sexual harassment of students by other students or employees, and officials shall take prompt and appropriate disciplinary actions against students and employees found to have engaged in conduct constituting sexual harassment of students. The College shall exercise reasonable care to prevent and correct promptly any sexually harassing behavior and develop preventive or corrective measures to address sexually harassing behavior.

Student concerns about sexual harassment which include faculty, staff or students should be direct to the in Dean Student Services (Big Spring), Dean of Student Affairs (SWCID), Campus Dean of Student Services/WTTC Director (San Angelo), Campus Director (Lamesa), Executive Director Correctional Studies accordance to College Policy. The procedures for addressing complaints of sexual harassment are in Appendix A & B of this document.

Traffic and Parking Citations

Students may appeal a campus parking and/or traffic citation to the Dean of Student Services office for violations on the Big Spring campus or the SWCID Student Affairs for violations on the SWCID campus.

Admissions

A student wishing to pursue a grievance concerning admissions with the college and who has not found satisfaction or resolution with the Registrar may contact the Dean Student Services (Big Spring), Dean of Student Affairs (SWCID), Campus Dean of Student Services/WTTC Director (San Angelo), Campus Director (Lamesa), Executive Director Correctional Studies to submit a grievance with the Admission and Standards Committee Chairperson within 30 days of alleged violation.

College Substance Abuse Program

The administration of Howard College/SWCID strongly believes that the abuse of alcohol and the use of illegal drugs and abuse of other drugs by faculty, staff, and students have serious effects on their ability to meet the educational goals of the college. Therefore, Howard College/SWCID has implemented a program of drug education/prevention and assistance that is available to faculty, staff, and students.

Purpose of Program

The purpose of the Substance Abuse Program is to directly aid faculty, staff, and students. The program will focus primarily on education as a means of prevention. However, there must be adequate

assistance available for those individuals seeking help with their abuse problems as well as clear consequences for unacceptable substance abuse behavior.

The three different areas that will be emphasized are as follows:

1. **Education Information**

Primary emphasis will be directed at the non-user or the early abuser in order to prevent them from either starting to use drugs, to abuse alcohol, or to accelerate their current use.

2. **Intervention**

Provide early intervention counseling and other support to individuals with minor problems with alcohol and/or drugs.

3. **Referral**

Identify those individuals who need referral and provide recommendations regarding the best plan for the individual.

Implementation of the Program

Specific proposals for implementation are as follows:

1. That this program coordinates all college alcohol and drug programs. Exceptions would be classes or programs conducted by an academic department as part of their curriculum.
2. That the Wellness Committee be given the charge for developing and implementing this program.
3. That the committee consider an outside consultant from one of the major service providers in alcohol and drug treatment be brought on campus for consultation.
4. That an initial target population be identified through a college-wide "needs assessment" survey to assess education/intervention program would be helpful.
5. That the program have a strong disciplinary component to it, for example, Student Services Administration, Security, Housing, Athletics.
6. That adequate funding and resources be available. Possible sources for funding are from Student Service fees, Housing, Personnel, and matching fund grants from the Federal Government. Students majoring in related areas such as psychology, counseling, and health education may be utilized as well as interested volunteers from various student groups.