

# Tyler Junior College Student Code of Conduct

## A. General Policy

Students at Tyler Junior College assume an obligation to conduct themselves in a manner compatible with the college's function as an educational institution. The college community has developed standards of behavior pertaining to students and registered student organizations. Students and student organizations (hereafter referred to only as students) are subject to disciplinary action according to the provisions of the *Student Code of Conduct* and/or the Student Handbook.

All students at Tyler Junior College should clearly understand that the college is expressly concerned about student conduct both on and off campus. The college may enforce its own disciplinary policies and procedures when a student's conduct directly, seriously, or adversely impairs, interferes with or disrupts the overall mission, programs, or other functions of the college. To these ends, any student who is found in violation of the *Student Code of Conduct* or federal, state, and/or local laws, even though in an off-campus setting, is subject to administrative discipline procedures.

The college takes care to assure due process and to define appeal procedures when students are accused of misconduct for which they are subject to disciplinary action.

## B. Definitions

1. The term "college" means Tyler Junior College.
2. The term "student" means any individual who is applying for or who has been accepted for admission or enrollment in credit or non-credit classes at Tyler Junior College.
3. The term "college official" includes any person employed by Tyler Junior College while performing assigned administrative or professional responsibilities.
4. The term "member of the college community" includes any person who is a student, faculty or staff member, college official, or any other person employed by the college or campus visitors.
5. The term "college premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the college.
6. The term "student organization" means any number of students who have complied with the requirements for registration as an organization with the college.
7. The term "hold" refers to the indicator placed on a student's official record preventing registration and/or the issuance of a transcript until the student meets the requirements of the college office placing the indicator on the account.

## C. Misconduct

Any student found to have committed misconduct while classified as a student is subject to disciplinary sanctions, conditions, and/or restrictions. Misconduct or prohibited behavior includes, but is not limited to:

1. *Academic Dishonesty*
  - a. Cheating.
  - b. Plagiarism.
  - c. Collusion.

- d. Falsifying academic records.
- e. Misrepresenting facts to the college or a college official.
- f. Any act intended to give unfair academic advantage to the student.

## 2. *Alcoholic Beverages*

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

## 3. *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 expressly 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 expressly permitted by federal, state, and/or local law.

## 4. *Firearms, Weapons and Explosives*

- a. Use or possession of any items appearing to be or which could be used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, bb guns, knives, or explosive or noxious materials on college premises except as expressly permitted by federal, state, and/or local law.

NOTE: See Residence Hall Policies and Procedures for specific approved devices allowed in the residence halls.

## 5. *Flammable Materials/Arson*

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

## 6. *Theft, Damage or Unauthorized Use*

- a. Attempted or actual theft of property or services of the college, students, other members of the college community, or 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, by students, members of the college community, or campus visitors.
- d. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, Apache Bucks account information and/or personal check.
- e. Alteration, forgery or misrepresentation of any form of identification.
- f. Possession or use of any form of false identification.

## 7. *Actions Against Members of the College Community*

- a. Conduct which threatens or endangers the health or safety of self or others, including, but not limited to, acts such as physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
- 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/or staff.
- d. Obstruction or disruption of teaching, administration, or other college activities.
- e. Racial discrimination.
- f. Sexual discrimination.
- g. 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.

8. *Sexual Misconduct*

- a. Unwelcome 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 academic pursuits, college employment, participation in activities sponsored by the college or groups related to the college, or opportunities to benefit from other aspects of college life.
- b. Intentional contact of a sexual nature with another without consent.
- c. Intentional sexual invasion of another without consent.
- d. Intentional constraint or incapacitation of another without that person's consent, so as to put another at substantially increased risk of sexual injury.

9. *Gambling, Wagering, Gaming and/or Bookmaking*

- a. Gambling, wagering, gaming or bookmaking as defined by federal, state, and/or local laws is prohibited on college premises or with the use of college equipment or services.

10. *Hazing*

- a. Any intentional, knowing or reckless act directed against a student by one person acting alone or by more than one person occurring on or off college premises that endangers the mental or physical health or safety of a student for the purpose of joining or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students.

11. *False Alarms or Threats*

- a. Intentional sounding of a false fire alarm.
- b. Falsely reporting an emergency or threat in any form.
- c. Destruction or activation of fire sprinklers.
- d. Filing false police reports.
- e. Improperly possessing, tampering with or destroying fire equipment or emergency signs on college premises.
- f. Issuing a bomb threat or constructing mock explosive devices.

12. *Financial Irresponsibility*

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

13. *Unauthorized Entry, Possession or Use*

- a. Unauthorized entry into or use of college facilities, equipment, or resources.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, Student Identification Card or access code for use in college premises or equipment.
- c. Unauthorized use of the college name, logotype, registered marks or symbols of the college.
- d. Unauthorized use of the college name to advertise or promote events or activities in a manner which suggests sponsorship and/or recognition by the college.

14. *Traffic and Parking Regulations*

- a. Violation of college traffic and parking regulations.
- b. Obstruction of the free flow of vehicular and/or pedestrian traffic on college premises.

15. *Failure to Comply*

- a. Failure to comply with the reasonable directives or requests of a college official acting in the performance of their duties.
- b. Failure to present student identification on request or identify oneself to any college official acting in the performance of their duties.

16. *Abuse, Misuse or Theft of College Computer Data, Programs, Time, Computer or Network Equipment*

- a. Unauthorized use of computing and/or networking resources including, but not limited to, private information and passwords.
- b. Use of computing and/or networking resources for unauthorized or nonacademic purposes including, but not limited to, illegal access.
- c. Unauthorized attempted or actual accessing, copying, transporting or installing programs, records, data, material or software belonging to the college, another user, or another entity.
- d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to college computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources.
- e. Attempted or actual use of the college's computing and/or networking resources for personal, political, or financial gain.
- f. Access, creation, storage, or transmission of material deemed offensive, indecent, or obscene other than for official academic purpose (e.g. attempted or actual destruction, disruption or modification of programs, records or data belonging to the college or another user or destruction of the integrity of computer based information.)
- h. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the college's computing and/or networking systems; or through such actions, causing a waste of such resources (i.e. people, capacity, computer).
- i. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted e-mails to parties with whom you have no existing business, professional or personal acquaintance).
- j. Use of computing and/or network resources to engage in activity that may harass, threaten, or abuse others.

- k. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

17. *Providing False Information or Misuse of Records*

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

18. *Violation of Published College Policies, Rules or Regulations*

- a. Violation of any published college policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of the policies stated in the College Catalog, Athletic Code of Conduct, the Residential Life Handbook, any contracts, or any handbook published by Tyler Junior College.

19. *Violation of Federal, State and/or Local Law*

- a. Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

20. *Abuse of the Discipline System*

- a. Failure of a student to respond to a notification to appear before a Judicial Officer during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent a Judicial Officer from proceeding with disciplinary action.
- 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 or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary 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 proceedings.
- 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 *Student Code of Conduct* or the Student Handbook by a Judicial Officer.

**D. Disciplinary Procedures**

- 1. When a report of alleged misconduct is received, Student Judicial Programs will notify the student(s) involved in writing. Written notification will be delivered to the student's last known, official local address as provided by the student to the Registrar's Office or by a student organization to the Student Activities Office. Failure of a student to receive mail does not prevent the disciplinary process from proceeding.
- 2. In any disciplinary proceeding, the student has the right to:
  - a. Notification of the alleged misconduct.
  - b. Know the source of the allegation(s).
  - c. Know the specific alleged violation(s).

- d. Know the sanctions, conditions, and/or restrictions that may be imposed because of the alleged misconduct.
  - e. Be accompanied by an advisor at any student disciplinary proceeding (for advisory purposes only, not for representation).
  - f. Refrain from making any statement relevant to the allegation(s).
  - g. Know that any statements made by the student can be used during the proceeding.
3. After notice has been given to the student, the college may conduct an administrative hearing and deliver a decision regardless of whether the student attends or fails to attend the hearing.
  4. The administrative hearing process will be completed in a timely manner based upon the specific circumstances of each case.
  5. After making a determination, the Judicial Officer will provide written notification to the student of the decision and the sanctions, conditions, and/or restrictions to be imposed.
  6. The student may utilize the disciplinary appeal procedures set forth in section F, Disciplinary Appeals Process.

### **E. Immediate Suspension**

The student whose presence poses a continuing danger to persons or property or an ongoing threat to the educational environment may be immediately removed from the college with loss of all college privileges. In such incidents, a notice of Administrative Hearing will follow for resolution of the matter as soon as is practical.

### **F. Disciplinary Sanctions, Conditions, and Restrictions**

The following educational sanctions, conditions, and/or restrictions may be assessed when a student is found responsible for misconduct. Potential sanctions, conditions, and/or restrictions are not limited to those listed below. Implementation of the disciplinary sanctions, conditions, and/or restrictions will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted.

1. Sanctions are defined as the primary outcome of the alleged violation(s). If found responsible, the range of sanctions includes the following:
  - a. Written Warning  
The Written Warning is an official written notification to the student that the action in question was misconduct.
  - b. Disciplinary Probation  
Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with college policies, rules and/or standards and any other requirements stipulated for the probationary period.
  - c. Deferred Disciplinary Suspension  
Deferred Disciplinary Suspension is a period of time during which a Disciplinary Suspension may be deferred for a period of observation and review. Additional misconduct or failure to comply with any other requirement stipulated for the period of Deferred Disciplinary Suspension will result in suspension.
  - d. Disciplinary Suspension  
Disciplinary Suspension is a period of time during which a student is withdrawn and separated from the college. During this time, the student may not attend class or participate in any college-related activities, nor may they be present on campus at any time.
  - e. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the college.

2. A condition is defined as a secondary component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:
  - a. Personal and/or academic counseling.
  - b. Restitution or compensation for loss, damage or injury.
  - c. Monetary assessment owed to the college.
  - d. Completion of an alcohol or drug treatment program.
  - e. Residence hall relocation, contract and/or dining facility use cancellation.
  - f. Discretionary educational conditions and/or programs of educational service to the college and/or community.
3. A restriction is defined as a secondary component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanction and will be time specific. Some examples of restrictions include, but are not limited to:
  - a. Prohibited access to college facilities and/or prohibited direct or indirect contact with members of the college community.
  - b. Denial of eligibility for holding office in registered student organizations.
  - c. Denial of participation in extracurricular activities.
  - d. Revocation of parking privileges.
4. Failure to comply with disciplinary sanctions, conditions, and/or restrictions will result in actions including, but not limited to the following:
  - a. Further disciplinary action.
  - b. Additional sanctions, conditions, and/or restrictions.
  - c. Immediate dismissal from Tyler Junior College.
  - d. Prohibition from re-enrolling in Tyler Junior College.
  - e. Having all college records placed on hold.
5. Any disciplinary sanctions, conditions, and/or restrictions may result in notification of the following individuals:
  - a. Registrar's Office, which may make a notation regarding disciplinary status on the student's transcript.
  - b. Any other faculty or staff member who has been determined to have an educational need to be informed of the outcome.
  - c. Violations of the alcohol and/or drug policies may result in notification of the parents/guardians of students under the age of 21.

## **G. Disciplinary Appeal Procedures**

### **1. Appeal Process**

Any student who has received sanctions, conditions, and/or restrictions may appeal the disciplinary decision made by a Judicial Officer. All appeals must be completed and submitted within three college working days of the date the disciplinary decision is received. All appeals are to be directed to the Chairperson of the Student Discipline Appeals Committee along with supporting documentation. Failure to file a written appeal within three college working days from the date of the decision letter will render the original decision final and conclusive. The Discipline Appeals Committee will review materials relevant to the case in the written appeal. The Chairperson will respond to the student in writing regarding the status of the requested appeal and all related decisions within 30 college working days. The student desiring to appeal the decision of the Discipline Appeals Committee must appeal to the President of the College within three college working days of the decision of the Discipline Appeals Committee. The

President will respond to the student in writing regarding the status of the requested appeal and all related decisions within 30 college working days. All appellate decisions of the President are final.

2. Grounds for Appeal

Each appeal must identify at least one of the following reasons as grounds for the appeal:

- a. Action taken is more severe than the violation would warrant.
  - b. Newly discovered relevant information that was not available at the Administrative Hearing which would affect the decision.
  - c. Improper procedures during the disciplinary process that would affect the decision.
  - d. Provable bias on the part of the hearing officer.
3. Appeals are not automatic, thus at each level the appellate officer may:
- a. Refuse the appeal.
  - b. Grant the appeal as requested.
  - c. Uphold the original decision.
  - d. Add to or increase the severity of the sanctions, conditions, and/or restrictions.
  - e. Modify or cancel the decision or action.
  - f. Remand the decision or action with appropriate instructions to the next appellate hearing officer.
4. In cases involving immediate suspension or expulsion from Tyler Junior College, the student may not attend class or any on- or off-campus event sponsored by the college during the appeal process. The student is not allowed on campus for any reason other than to deliver a letter of appeal. Any violation of the *Student Code of Conduct*, Student Handbook, and/or local/state/federal laws occurring while the appellate process is ongoing will end the process and the original decision will be upheld.