



Guidelines/Procedures

SUBJECT: Student Standards of Conduct and Disciplinary Process

Guideline/Procedure for AR#: 1.04.006

Date Effective: 11/02/2012; amended 10/03/14, 03/02/17

Purpose

Austin Community College (the “College”) promotes the exchange of knowledge in an environment that encourages reasoned discourse, intellectual honesty, and respect for the rights of all persons. In support of this goal, the primary purpose of the following Student Standards of Conduct and Disciplinary Process is to educate and guide students to understand their responsibilities in regard to appropriate behavior and respect for others in the College community.

Guidelines

1. Student Rights

A. Course expectations

Austin Community College students are guaranteed certain rights as citizens of the college community. Students have the right to receive a detailed syllabus within the first week of class for each course in which they enroll. Each syllabus should include course policies, instructor expectations, and grading standards. Students have the right to timely academic evaluation that is consistent and without prejudice. Students have the right to expect instructors to post and maintain office hours.

B. Due process

Students have the right to due process in regard to any complaint or disciplinary action brought against them. College disciplinary procedures respect the due process rights of students. Due process includes:

1. Notice to the student of charges they are facing;
2. The right to know the evidence against them; and
3. And the opportunity to present their side of the story to an unbiased party.

2. Student Responsibilities

A student attending an ACC-sponsored event assumes responsibility for conduct compatible with the mission of the college as an educational institution. Although ACC is dedicated to an open, free society, some actions are inappropriate in an institution of higher education. Students who commit infractions pertaining to any of the following areas are subject to disciplinary action.

A. Misuse of college computers and other electronics

Students have the responsibility to adhere to rules regarding the use of college computers and other electronic resources. Specific violations include, but are not limited to, the following:

1. Installing or modifying any software or hardware without approval;
2. Violating the rights of others, including that of privacy;
3. Attempting to infiltrate unauthorized networks or systems, or attempting to damage or alter software, hardware, or data;
4. Deliberately disrupting or interfering with others' approved use of information systems;
5. Violating license restrictions or copyrights;
6. Producing advertisements or solicitations for non-college-related purposes;
7. Using any ACC computer, facility, equipment, software, network, or other resource, including email, for any activity other than that for which access or use was assigned or authorized; or
8. Using any college computer, facility, equipment, software, network, or other resource, including email, to commit or attempt to commit acts prohibited under college policy and/or applicable federal, state, or local laws.

B. Misconduct

Students have the responsibility not to impair, interfere with, or obstruct the orderly conduct, process, or function of the college or any of its students, faculty, staff, or guests. Threatening acts direct or implied, concerning harm to others, weapons, and/or explosives will be taken seriously. Specific violations include, but are not limited to, the following:

1. Acting in a manner that significantly interferes with any ACC teaching, administrative, disciplinary, public service, or other authorized activity inside or outside the classroom;
2. Acting in a manner that endangers the health, safety, or welfare of others at ACC, including at ACC off-campus events;
3. Destroying, damaging, misusing, or defacing of college property;
4. Interfering with the freedom of movement of another person;
5. Interfering with the right of another to enter, use, or leave any college building, facility, property, service, resource, or activity;
6. Refusing to comply with the directions of a college official, including campus police, in the performance of his or her duty;
7. Violation of any ACC policy;
8. Possessing and/or using ACC keys/cards without authorization;
9. Providing false or misleading information to the college or its representatives;
10. Falsely reporting, by any means, the presence of an explosive, incendiary device, fire, or other safety hazard;
11. Failing to obey a summons or comply with the terms of any disciplinary sanction imposed in accordance with the Student Standards of Conduct; or
12. Forging, using, or altering any college document, record, or ID without authorization.

C. Drug and alcohol usage

ACC complies with local, state, and federal laws and penalties regarding the unlawful use of drugs and alcohol. The following are violations:

1. Being under the influence of alcohol or any illegal drug or controlled substance on college premises or at college-sponsored events; or
2. The unlawful possession, use, consumption, sale, or distribution of alcohol, illegal controlled substances, and drug paraphernalia on college premises or at college-sponsored events, other than as specifically approved by the President.

D. Illegal acts

Students have the responsibility to adhere to all local ordinances as well as state and federal laws while on college premises or at college-sponsored events. Illegal acts include, but are not limited to, the following:

1. Possession or use of firearms or other weapons (and facsimiles thereof) on ACC-controlled property, except for educational purposes with prior written approval of the campus manager and the campus police;
2. Gambling;
3. Unlawful possession, use and/or distribution of narcotics or any controlled substance;
4. Theft of property;
5. Sexual abuse including, but not limited to, sexual harassment, coercion, threats, or use of force;
6. Assault, attempted assault, terrorist threats, or stalking;
7. Hazing, including, but not limited to, any action or situation, which intentionally or recklessly endangers the mental or physical health or safety of a student for the purpose of initiation or admission into any organization operating under the sanction of the Austin Community College District; or
8. Harassment. The college is committed to protecting the rights and dignity of its students and will not tolerate harassment. Harassment is defined as oral or written expression or physical conduct that:
 - a. Is severe, pervasive, or persistent;
 - b. Is directed at a specific person or group;
 - c. Has the purpose or effect of creating a hostile environment;
 - d. Is significantly detrimental to the person; or
 - e. Serves no legitimate purpose.

E. Solicitation, sales, and canvassing

The college prohibits solicitation, sales, or canvassing (for any purpose) by students or non-students on college premises except with the written permission of the campus manager. Similarly, no concessions for profit may be operated on college property without the written permission of the Student Life Office and/or the campus manager.

3. Disciplinary Actions/Due Process

Violations of the Student Standards of Conduct refer to a student's failure to meet his/her responsibilities. Violations are subject to either General Disciplinary Action or Academic Integrity Disciplinary Action, depending on the nature of the allegations. A student's official address throughout either disciplinary process described herein will be the address on file in the Admission and Records Office.

4. General Disciplinary Action

A. Procedure

Violations of the Student Standards of Conduct are investigated by the Dean of Student Services and by the Student Services Division specifically. A Student Discipline report detailing alleged violations of the Student Standards of Conduct by an ACC student must be completed. The general disciplinary procedure is:

1. The alleged violation is reported using a Student Discipline form or Police Incident Report to the appropriate Dean of Student Services. Alleged violations occurring at

- ACC centers are reported to the center coordinator, while off-campus and Distance Learning incidents are reported to the Vice President of Student Services. In all cases, the reports are forwarded to the appropriate Dean of Student Services or a designee.
2. The Dean of Student Services conducts a preliminary investigation and may convene separate conferences, characterized by active listening, with the complainant and the implicated student to understand the nature of the alleged violation. It is helpful for the Dean of Student Services and the student to discuss the circumstances and issues of the alleged violation and to identify possible resolutions.
 3. After completing the preliminary investigation, the Dean of Student Services may (a) dismiss the allegation or (b) summon the student for a conference at which time the student will be informed of the charges against him/her and have the opportunity to address the charges and to present data to support his/her version of the facts.
 4. If the Dean of Student Services determines that the matter is best resolved in an informal manner, the Dean of Student Services will refer the involved persons in whatever ways are helpful, including mediation.
 5. At any point in time, and depending on the severity of the alleged misconduct, a student may be temporarily suspended pending completion of disciplinary proceedings, criminal proceedings, or a psychological/medical evaluation.
 6. The Dean of Student Services will investigate the alleged violation, confer with the student accused of the violation, and issue a ruling.
 7. The Dean of Student Service's ruling regarding responsibility and any consequent sanctions will be communicated in writing to the student within 10 business days following completion of the investigation.
 8. Students may request, in writing to the Vice President of Student Services, within five business days following notification by the Dean of Student Service's ruling, a review of the case before a Judicial Review Panel (JRP) (See Judicial Review Panel hearings section). The request to the Vice President of Student Services must indicate the basis of the review using the following parameters:
 - a. Outline the parameters for the appeal:
 - Procedures were not properly followed as outlined in the Student Standards of Conduct & Disciplinary Process;
 - New or newly discovered information which substantially affects the outcome of the hearing has been discovered;
 - Evidence of bias in the proceedings;
 - b. Requests to the Vice President of Student Services for a Judicial Review Panel must include supportive documentation substantiating one or more of the three above stated conditions. The Vice President of Student Services will review the request and documentation and determine if a Judicial Review will be granted. If the request is granted, the Vice President of Student Services will appoint an administrative dean to conduct Judicial Review Panel. Sanctions to be appealed:
 - Removal from course
 - Suspension
 - Expulsion
 9. Within 5 business days following notification of the student's request, the Vice President of Student Services will notify the student if a hearing will be convened and, if so, the name of the Academic or Student Services Dean for the Judicial Review process. If approved, Judicial Review Panel will convene within 10 days.
 10. The Judiciary Review Panel will convene as needed to review cases. Judicial Review Panel hearings are closed to the public, except for members of the student's family and any advocate appointed by the student. The student and advocate may confer privately

during the hearing; however, only the student is permitted to address the panel. The student must respond to all inquiries from the panel.

11. The decision of the Judicial Review Panel to affirm, modify, or amend the dean of student service's ruling will be communicated by the Administrative Dean of Student Services. The decision of the Judicial Review Panel is final

B. Mediation

Mediation is encouraged as an alternative means to resolve problems or disputes before beginning formal complaint procedures. ACC counselors are available to consult with students and faculty and/or staff members to help mediate problems and disputes. Mediation may help facilitate quick resolutions while minimizing the need for formal complaints and lengthy, potentially unnecessary disciplinary investigations. For mediation to proceed, both parties must agree to use mediation as a means to reach resolution. To be binding in a disciplinary case, the agreement must be approved by the Dean of Student Services.

C. Sanctions

The Dean of Student Services has the authority to issue sanctions including, but not limited to, the following:

1. Written reprimand;
2. Loss of privileges/access;
3. Removal from course;
4. Warning;
5. Suspension; and
6. Expulsion

D. Hold on student records

In pending cases that could result in disciplinary action, the Dean of Student Services may place a hold on the student's records and notify the student in writing.

E. Cases involving criminal charges

Students may be accountable both to local, state, or federal authorities and to the college for acts that violate the law and the Student Standards of Conduct. The college's disciplinary process will proceed without regard to criminal proceedings and their outcome.

F. Disciplinary records

Disciplinary records can be shared with college officials having a legitimate educational interest in a specific disciplinary case. These records will be maintained in accordance with the Texas Records Retention Laws. Except in cases of legally sanctioned requests, student records may be disclosed outside the college only with signed consent from the student.

G. Interim suspension

At any point during disciplinary proceedings, the Dean of Student Services may choose to notify the student that his/her right to be present on campus has been suspended. Interim suspension may be exercised to ensure the physical or emotional safety and well-being of the student and others and/or prevent the student from engaging in any disruptive or destructive activity on property owned or controlled by the college or at any college-sponsored activity. The investigating official may suspend a student for up to 10 days pending disciplinary proceedings, criminal proceedings, or psychological/medical evaluation. The interim suspension will become effective immediately.

1. **Right to a meeting:** A student issued an interim suspension will be given prompt opportunity to meet with the Dean of Student Services. The conference is limited to discussion about the reliability of the information concerning the student's conduct, and whether the conduct and surrounding circumstances reasonably indicate that the student's presence poses a substantial and immediate threat to himself or herself or to others or to the stability and continuance of normal college functions.
2. **Justifying the interim suspension:** The Dean of Student Service's disciplinary ruling must include justification for the interim suspension. The student will be allowed to return to class following the ruling unless it is determined there is a continued threat.
3. **Appealing an interim suspension:** The student may appeal the interim suspension to the Vice President of Student Services. The Vice President of Student Services will affirm or rescind the interim suspension. He/she may also determine that the interim suspension constitutes the end of the disciplinary process. If the student does not appeal the interim suspension, or if the Vice President of Student Services upholds the interim suspension, the Dean of Student Services will proceed with an investigation.

H. Judicial review panel

A Judicial Review Panel is convened by the Vice President of Student Services when a student appeals the ruling of the dean of students or designee. A Judicial Review Panel is composed of four members appointed by the Vice President of Student Services or a designee:

- Dean SS (Administrative, Non-voting)
- Instructional Faculty representative (Dean, Department Chair, F/T Faculty, Adjunct Faculty)
- Student Services Representative
- Student Government Representative

Hearing panel members cannot be involved with nor have direct knowledge of the case or the accused. A Dean of Student Services who is not connected with the case will be appointed by the Vice President of Student Services to serve as the non-voting chair (referred to as the Administrative Dean to assist the Judicial Review Panel).

1. **Student notification:** The Administrative Dean will notify the student in writing of the panel hearing date. The notification should:
 - a. Direct the student to appear at the date, time, and place specified in the letter;
 - b. State the charges against the student;
 - c. Outline the parameters for the appeal:
 - Procedures were not properly followed as outlined in the Student Standards of Conduct & Disciplinary Process;
 - New or newly discovered information which substantially affects the outcome of the hearing has been discovered;
 - Evidence of bias in the proceedings;
 - d. Inform the student that counsel may represent the college and that college counsel and/or the Dean of Student Services involved with the case may question any witnesses or the student;
 - e. State that the parties shall exchange lists of witnesses and copies of documentary evidence to be used at the hearing at least three business days before the hearing
 - f. Advise the student of the right to:
 - A private hearing;
 - Appear alone or with an advocate, who may confer with the student. However, the student is the only one who has a right to address the panel;

- Know the identity of each witness who will testify, unless there is reason to believe that disclosure would endanger the health and safety of the witness;
 - Call witnesses;
 - Offer evidence;
 - Testify on his/her behalf; and
 - Audio-record the hearing.
2. **Failure to appear:** If a student fails to appear the hearing will proceed as scheduled.
 3. **What to expect at a hearing:** Judicial Review Panel hearings are closed to the public. The Judicial Review Panel chair will provide reasonable opportunities for witnesses to be heard. Witnesses will be asked to affirm that their testimony is truthful and may be charged with Student Standards of Conduct violations if it is found that they intentionally provided false information to the college. The Chair may remove any person who becomes disruptive during the hearing, including the student.
 4. **Hearing format:** Judicial Review Panel hearings, which are informal in nature, adhere to the following format:
 - Introduction of student and panel members;
 - Review of alleged violation and the pending resolution;
 - Student justification for appeal;
 - Initial questions from the panel;
 - Witness testimony; and
 - Panel deliberations (the student is excused).
 5. **Witnesses:** Prospective witnesses, other than the complainant and the accused student, will be excluded from the hearing during the testimony of other witnesses. Only the Judicial Review Panel shall be present at its deliberations after the panel hearing concludes. The panel deliberations shall not be recorded or transcribed.
 6. **Records of the hearing:** The college will make an audio recording (or use assistive technology, if needed) of the panel hearing. The student will be given a copy of the audiotape, if requested.

I. Notice to victims of violence

Results of directly related disciplinary proceedings may be released to the victim of a violent or non-forcible sex offense, upon written request.