

### **3-2.4 Freedom of Speech**

Students have the right of free expression and advocacy; however, the time, place, and manner of exercising speech and advocacy shall be regulated in such a manner as to ensure orderly conduct, noninterference with college functions or activities, and identification of sponsoring groups or individuals. All college Recognized Student Organization (RSO) activities must be preregistered and approved through Student Life.

### **3-2.5 Students' Access to their Educational Records**

Students may inspect and review their education records upon submitting a written request to the Registrar. This request should identify, as precisely as possible, the record or records he or she wishes to inspect. Contact the Registrar for procedures on students' rights of inspection, review, and correction of educational records.

### **3-2.6 Disclosure of Educational Records**

CCCCD will disclose information from a student's education records only with the prior written consent of the student, except with regard to the law that provides for disclosure without consent as indicated below:

- A. to school officials who have a legitimate educational interest in the records.
- B. to other schools.
- C. to certain officials of the United States Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
- D. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- E. if required by a state law requiring disclosure that was adopted before Nov. 19, 1974.
- F. to organizations conducting certain studies for or on behalf of the college.
- G. to accrediting organizations to carry out their functions.
- H. to parents of an eligible student who claim the student as a dependent for income tax purposes unless the student has restricted records disclosure.
- I. to comply with a judicial order or a lawfully issued subpoena.
- J. to appropriate parties in a health or safety emergency.
- K. as it relates to directory information, unless the student restricts directory information.
- L. to the student.

- M. results of disciplinary hearing to alleged victim of a crime of violence.

### **3-2.7 Directory Information**

Directory information may be released to the general public without the student's consent. Directory information is defined as:

- A. student name;
- B. student address;
- C. telephone listing;
- D. date and place of birth;
- E. major field(s) of study;
- F. participation in officially recognized activities and sports;
- G. weight and height of athletic team members;
- H. dates of attendance/enrollment;
- I. most recent previous educational institution attended;
- J. degrees and awards received; and
- K. photo/visual likeness.

A student may request that directory information be withheld from the public by completing and filing a request with the Admissions and Records Office. If no request is filed, directory information will be released upon inquiry. Filed requests are valid until revoked by the student.

Directory information is the only part of a student's record that may be released without the student's prior written permission, except with regard to the law that provides for disclosure without consent.

## **CHAPTER 3 – DISCIPLINARY PENALTIES**

### **3-3.1 Authorized Disciplinary Penalties**

- A. Penalties for a violation(s) of college regulations, codes, administrative rules or board and district policies may be imposed by the appropriate college official. The severity of the penalty will be in relation to the gravity of the violation. Penalties will be administered consistently to the extent that different students violating the same statute or rule will receive similar penalties. A student's record of previous violations may influence the determination of a penalty(ies). Disciplinary sanctions may include one or more of the following:
  - 1. admonition;
  - 2. warning probation;
  - 3. referral;
  - 4. educational project assignment;
  - 5. disciplinary probation;

6. withholding of transcript or degree;
7. restitution;
8. suspension of rights or privileges;
9. suspension of eligibility for participation in official athletic, non-athletic extra-curricular activities, and student activities;
10. denial of degree;
11. bar against admission or re-admission;
12. eviction;
13. suspension; and
14. expulsion (must be approved by the CCCC Board of Trustees).

B. The following definitions apply to the penalties (or supplementary actions) provided in this section:

1. *Admonition*: a reprimand from the designated dean/director with a notation in the student's file to that effect.
2. *Warning probation*: a warning that further violations of regulations will result in further disciplinary action. This is a reprimand that is more serious than an admonition. This penalty may be imposed for any length of time up to one calendar year and the student shall automatically be removed from probation when the period expires.
3. *Referral*: a recommendation for specialized help. The designated dean/director may recommend that the student seek specialized assistance (e.g., from a family member, spiritual director, mental health professional, physician, etc.) if appropriate.
4. *Educational project assignment*: a project assignment may be arranged so that the student will have the opportunity to observe and learn specific, valued human behaviors related to his/her own conduct which led to disciplinary problems and action. A student may be counseled to participate in some campus or community activity with rehabilitative value (e.g., leadership seminar, alcohol awareness seminar, human development class, etc.).
5. *Disciplinary probation*: a penalty and status that indicates that further violations may result in suspension from the college. Disciplinary probation may be imposed for any length of time up to two calendar years.
6. *Withholding of transcript or degree*: a penalty that may be imposed on a student who fails to pay a debt owed the college or who has a disciplinary case pending final disposition. The penalty terminates on payment or final disposition of the case.
7. *Restitution*: an order for the student to repair damages or reimburse the afflicted for damage to or misappropriation of

property. This may take the form of monetary payment or payment of time and services.

8. *Suspension of rights or privileges*: an elastic penalty that may impose limitations or restrictions to fit a particular case.
9. *Suspension of eligibility for participation in official athletic, non-athletic extra-curricular, and student activities*: a penalty that prohibits a student from joining Recognized Student Organizations or participating in college non-athletic extra-curricular activities and/or athletics. This penalty may be imposed for any length of time up to two calendar years.
10. *Denial of degree*: a penalty that may be imposed on a student for any length of time and may include a permanent denial.
11. *Bar against admission or re-admission*: a penalty whereby a student or prospective student may not be allowed to enter or re-enter the college (e.g., may not enroll nor participate in classes, programs, activities, etc.) if he/she were forced to withdraw for disciplinary reasons, for failure to meet financial obligations, or for disruptive or threatening behavior during the admissions, advising, or assessment period prior to entrance to the college. This penalty may be imposed for any period of time not to exceed two calendar years.
12. *Eviction*: a penalty that affects students living at College Place Apartments. The Managing Director will determine if eviction is the penalty for student residents of College Place Apartments.
13. *Suspension*: a penalty and status whereby the student on whom it is imposed may not be initiated into a college honorary or service organization, may not enter a CCCC campus except in response to an official summons, may not register for credit or noncredit classes and seminars and may not earn academic credit in any form from the college. This penalty may be imposed for any length of time not to exceed two calendar years.
14. *Expulsion*: a penalty and status that permanently bars a student from enrollment in the college. The student may not enroll nor participate in any college program, activity, or service and is considered permanently severed from the college unless the expulsion status is altered by the Board of Trustees.

C. Penalties of denial of degree, barred against admission or re-admission, eviction, suspension, and expulsion shall be reserved for major violations (or repeated violations) of college regulations, codes, or administrative rules; board and district policies; and municipal, county, state, and federal laws.

### **3-3.2 Disciplinary Files/Records**

Student referrals due to violation of the CCCCD Student Code of Conduct may result in the development of a disciplinary file in the name of the accused student. If a student has been found guilty of a violation, the student will have a disciplinary file in the Office of the Dean of Students for five years. In the case of severe violations of the Student Code of Conduct, disciplinary records may be retained for longer periods of time or permanently if the student was denied a degree, barred against admission or re-admission, evicted, suspended, or expelled. All disciplinary cases will be handled on a case by case basis. The disciplinary records of residents living at College Place Apartments will be kept in the office of the Managing Director of College Place. The Office of the Dean of Students will maintain records for students referred by College Place Apartments for disciplinary action.

College officials may disseminate student disciplinary information to officials at other schools without prior consent, if there is a risk to others and for legitimate educational interest.

## **CHAPTER 4 – GENERAL PROVISIONS**

### **3-4.1 Purpose and Application**

- A. Students of the college or campus housing neither lose the rights nor escape the responsibilities of citizenship. Students are expected to obey municipal and county laws, and laws of the State of Texas and the United States of America. They are expected to comply with college regulations, codes, or administrative rules, and board and district policies. A student may be penalized by the college for violating its code of conduct even though the student is punished by local, state, or federal authorities for the same act.
- B. This code applies to individual students and states the role of students in disciplinary proceedings and grievances. The college has disciplinary jurisdiction over a person who was a student at the time he/she allegedly violated a regulation, rule, code, or policy.
- C. A student who withdraws from school while disciplinary action is pending, or who is involved in misconduct that would subject him/her to disciplinary action after withdrawal, may be required to meet with a representative of the Office of the Dean of Students before re-enrolling or being readmitted to the college.
- D. The college reserves the right to apply appropriate disciplinary provisions to persons who participate in college sponsored activities,

programs, meetings, registration or advising sessions, but who are not enrolled students.

## **CHAPTER 5 – INITIATION OF DISCIPLINARY PROCEEDINGS**

### **3-5.1 Initial Response**

- A. Alleged violations of the Student Code of Conduct should be submitted in writing or via email to the Office of the Dean of Students within 20 class days of the alleged incident to initiate disciplinary procedures.
- B. Students have the right to secure their own legal counsel at any time in disciplinary proceedings.
- C. Upon an alleged violation of college regulations, codes, or administrative rules; board or district policies; and/or municipal, county, state, or federal laws, the designated dean/director may investigate the matter and may:
  - 1. dismiss the allegation as being unfounded or irrelevant; or
  - 2. summon the student, as stated in Section 3-5.2, for a conference concerning the allegation and after conferring with the student either dismiss the allegation; or
    - a. proceed administratively in Section 3-5.3 and/or Section 3-5.4; and
    - b. prepare a complaint based on the allegation for use in disciplinary hearings along with a list of witnesses and evidence supporting the allegation.
  - 3. refer for resolution through other appropriate avenues available at the college.
- D. An Authorized College Official (ACO) may take immediate interim disciplinary action by suspending the student from classes, from the college, or otherwise alter the status of the student, when in his/her opinion the college would be best served by such action [see Section 3-5.4].
- E. No person(s) shall be authorized to search a student's personal possessions for the purpose of enforcing this code or investigating the allegations unless the student's prior permission has been obtained. Searches by law enforcement officers of student's possessions shall only be as authorized by law.

### **3-5.2 Summoning a Student**

- A. A student may be summoned to appear in connection with an alleged violation by any of the following methods:

1. A sealed letter sent through campus mail in care of one of the student's professors for delivery in class. The professor is informed to return the letter immediately after the class if the student is not in attendance.
  2. A certified letter mailed to the student's address as listed with the Admissions and Records Office. The student is responsible for keeping the Admissions and Records Office apprised of his/her current home address.
  3. A personal or telephone conversation between the student and the dean/director issuing the summons.
  4. A sealed letter delivered to a College Place resident's apartment by housing staff.
- B. The letter, message, or communication shall direct the student to appear at a specified time, date, and place not less than three calendar days after the date of the letter or telephone conversation. The letter shall also describe briefly the alleged violation.
- C. The Authorized College Official (ACO) may place a student on disciplinary probation or determine an appropriate penalty (as found in Section 3-3.1) if the student fails, without good cause, to comply with a letter or summons. The ACO may also proceed against the student in Section 3-5.3 and/or 3-5.4 of the Student Code.

### **3-5.3 Administrative Disposition of a Violation**

- A. The designated dean/director may administratively dispose of any violation by:
1. taking no formal disciplinary action;
  2. initiating disciplinary proceedings in Chapter 5 of this code; or
  3. referring the matter to the Discipline Appeals Task Force (DATF) in Chapter 6 of this code.
- B. During a conference with the student, the designated dean/director shall advise the student of his/her rights as detailed in this document.
- C. If a student refuses administrative disposition by the designated dean/director, the student is entitled to a hearing in Chapter 6 of this code.
- D. If a student accepts the designated dean/director's administrative disposition, he/she will sign a statement that he/she understands the violation charges, his/her rights and right to a hearing or to waive the same, the penalty imposed by the designated dean/director, and

his/her waiver of the right to appeal. This statement must be signed no later than the third class day following the designated dean/director's administrative disposition.

- E. If a student does not sign an administrative disposition statement or request in writing a hearing by the third class day following the dean/director's administrative disposition, the disposition stands and no further appeal will be allowed.

### **3-5.4 Immediate Suspension**

- A. The Authorized College Official (ACO) may temporarily suspend (e.g., verbally order) a student's immediate removal from the college pending a formal administrative disposition (Section 3-5.3) or hearing (Chapter 6). The causes for immediate suspension include, but are not limited to, the following:
1. failure to comply with a summons for a hearing;
  2. an attempt to bodily harm anyone at the college;
  3. delivery, manufacture, possession, sale, purchase, use, or distribution of illegal controlled substances at the college, on college property, at College Place Apartments or at a college sponsored activity on- or off-campus;
  4. destruction or theft of college property or another person's property;
  5. possession of intoxicating beverages at the college, on college property, at College Place Apartments or at a college sponsored events and activities on- or off-campus;
  6. any incident causing a major disruption or disturbance; and
  7. an alleged violation of the Student Code of Conduct that the administrator considers to be a major violation or an immediate threat to the campus climate.
- B. The student will be summoned by the dean/director no later than five class days of the action of temporary suspension.
- C. If the suspended student receives a favorable administrative disposition or favorable hearing, reasonable efforts will be made to ensure that the student will be permitted to make up class work required for satisfactory completion of a course(s) he/she began prior to the onset of the disciplinary process.
- D. If a student is disruptive in class (his/her behavior is disruptive or inappropriate in this setting and inhibits the teaching/learning process), a faculty member has the right to temporarily dismiss the

student from class (not to exceed one class). If a faculty member finds it necessary to dismiss a student from a class, the appropriate instructional dean should be notified as soon as possible.

A faculty member may not suspend a student from more than one class without notification to the academic dean and the initiation of disciplinary proceedings. If the student's behavior is so disruptive that it is believed that the student should be suspended for more than one class, then the instructional dean and the faculty member should collectively contact the Office of the Dean of Students to initiate the student discipline processes. Suspension for more than one class requires formal disciplinary action as stated in Chapter 5 of the Student Code of Conduct.

## **CHAPTER 6 – THE HEARING**

### **3-6.1 Discipline Appeals Task Force (DATF)**

A. When a student refuses administrative disposition of a violation, the student is entitled to a hearing before the Discipline Appeals Task Force. The request for a hearing must be made by the student in writing to the designated dean/director on or before the third class day following the administrative disposition (See Section(s) 3-5.3 and/or 3-5.4). The Discipline Appeals Task Force shall be comprised of no less than three college employees and two current full-time CCCC students. The task force membership shall be appointed by the president who shall designate one member as chair. All members of the task force are eligible to vote in the hearing.

B. The designated dean/director shall set the date, time, and place for the hearing and notify the student of the same. The designated dean/director shall summon witnesses and require the production of documentation and other evidence.

C. The designated dean/director shall represent the college before the Discipline Appeals Task Force and shall present evidence to support any alleged violation(s). The designated dean/director may be assisted by legal counsel when such assistance would be in the best interest of the college.

### **3-6.2 Notice of Hearing**

A. The designated dean/director shall notify the student by letter concerning the date, time, and place for the hearing. The letter shall

specify a hearing date, not less than three class days, nor more than 15 class days after the date of the student's appeal letter. The notice will:

1. specify the charges;
2. direct the student to appear at the date, time, and place specified; and
3. advise the student of his/her rights to:
  - a. have a private hearing;
  - b. appear alone, with an advisor, with family, or with legal counsel (only the student may speak on his/her behalf);
  - c. know the identity of each witness who will testify against him/her;
  - d. summon witnesses, require production of evidence on behalf of the college, and argue in his/her own behalf;
  - e. at the student's expense, have a stenographer present at the hearing to make a stenographic transcript of the hearing; and
  - f. advise the student of the right to appeal to the Vice President of Student Development or their designee.

B. The designated dean/director may postpone the hearing for good cause as long as all parties involved are notified of the new hearing date, time, and place.

C. The Discipline Appeals Task Force may hold a hearing at any time if:

1. the student has actual notice of the date, time, and place of the hearing; or
2. the vice president states in writing to the designated dean/director that because of extraordinary circumstances the requirements of Section 3-6.2, Subsection (A) are inappropriate.

D. The college will make a reasonable effort to maintain a verbatim transcript of the hearing by a stenographer or by video recording.

E. The designated dean/director may suspend a student who fails to comply with a letter sent under this section, or at his/her discretion, the designated dean/director may proceed with the hearing in the student's absence.

### **3-6.3 Hearing Procedure**

A. The hearing shall be informal. The chair shall provide reasonable opportunities for witnesses to be heard. The college may be represented by the designated dean/director, legal counsel, and other persons as designated by the Dean of Students.

B. The Discipline Appeals Task Force shall generally proceed as follows during the hearing.

1. Chair reads the complaint.
2. Chair informs the student of his/her rights in section 3-6.2.
3. Designated college official presents the college's case.
4. Student presents his/her defense.
5. Designated dean/director and student present rebuttal evidence and arguments.
6. Task force deliberates on evidence in closed session. Task force votes on the issue of whether or not there has been a violation(s) of board or district policy, college regulations, codes, or administrative rules.
7. If the task force finds the student has violated a policy, regulation, code or rule, the task force will determine if the appropriate penalty has been imposed by the designated dean/director.
8. The task force chair, or the designated dean/director acting on behalf of the task force, informs the student, in person or in writing, of the decision and penalty, if any.
9. The task force shall state in writing each finding and the penalty determined, if any, and may include its reasons for said finding(s) and penalty(ies). Each task force member concurring with the finding(s) and penalty(ies) will sign the statement.

#### **3-6.4 Evidence**

A. Legal rules of evidence do not apply to hearings before the Discipline Appeals Task Force. The task force may admit evidence that possesses reasonable value to the intent of the task force. The task force will recognize privileged communications between a student and a member of the professional staff or the designated dean/director where such communications were made and understood by the staff to be confidential. Task force members may freely question witnesses in the course of the hearing.

B. The task force shall presume a student innocent of the alleged violation until it is convinced by a preponderance of the evidence that the student is guilty of the violation.

C. A student defendant may not be compelled to testify against him/herself.

#### **3-7.1 Appeal of Administrative Disposition**

To appeal an administrative disposition of a disciplinary matter, the student must request a hearing as specified in Chapter 6.

#### **3-7.2 Appeal of Discipline Appeals Task Force Disposition**

A. The student is entitled to request an appeal in writing to the college vice president. This written appeal must be filed within three class days following receipt of the Discipline Appeals Task Force (DATF) decision.

B. Within 10 class days of receipt of the student's appeal, the vice president will notify the student whether an appeal hearing will be granted. If the vice president chooses not to hear the appeal, the decision of the DATF will be final.

C. If the vice president decides to hear the appeal, he/she will set the date, time, and place for a meeting within 10 class days after receiving the students' request for an appeal.

D. If the vice president chooses to hear the appeal, he/she will determine the informal format of the appeal meeting.

E. Within 10 class days following the appeal meeting, the student will be notified in writing of the vice president's decision.

#### **3-7.3 Appeal of the Final Administrative Disposition**

The student is entitled to appeal his/her case for consideration to a court of law. This appeal should be made only after all previous college appellate procedures have been exhausted.

#### **3-7.4 Favorable Hearing**

If the student receives a favorable hearing, reasonable efforts will be made to ensure that the student will be permitted to make up class work required for satisfactory completion of a course(s) he/she began prior to the onset of the disciplinary process.

**In the event that this code/policy conflicts with the law of the State of Texas or the United States of America, the state or federal law shall prevail.**