

STUDENT CONDUCT PROCESS

A. Charges and Conference Meetings

1. Any member of the San Jacinto College community may file a report against a student for alleged violations of the Code of Student Conduct.
2. Allegations should be directed to the Office of Student Rights and Responsibilities by using the online incident report form found here www.sanjac.edu/incident-report (<https://www.sanjac.edu/incident-report/>). Any report of a violation of the Code should be submitted as soon as possible after the event takes place. However, all reports will be reviewed in accordance with this process, regardless of when the report is filed. Allegations of sexual harassment and other violations of the College's Sexual Misconduct Policy shall be reported in accordance with Complaint Procedure 400 (<https://publications.sanjac.edu/student-handbook/complaint-procedures/complaints-alleging-sexual-harassment-assault-dating-violence-domestic-intimate-partner-stalking/>) in the Student Handbook, which reflects Board Policy III.3006.D (<https://www.sanjac.edu/about/policies-procedures/III-3006-D-Sexual-Misconduct.pdf>) and Board Procedure III.3006.D.a (<https://www.sanjac.edu/about/policies-procedures/III-3006-D-a-Allegations-of-Sexual-Misconduct.pdf>). A list of the College's Title IX Coordinators and their contact information is found here <https://www.sanjac.edu/reporting-sexual-misconduct> (<https://www.sanjac.edu/reporting-sexual-misconduct/>).
3. The Office of Student Rights and Responsibilities will determine whether the alleged conduct is non-academic in nature; whether the alleged conduct, if proven to be true, describes a violation of the Code of Student Conduct; and whether the allegation warrants further investigation. The Office of Student Rights and Responsibilities has sole discretion to determine whether an investigation is needed. Factors that The Office of Student Rights and Responsibilities will consider include, but are not limited to, whether the allegations describe an alleged violation of the Code of Student Conduct and whether the affected individuals are no longer affiliated with San Jacinto College. In cases of discriminatory harassment (other than sexual harassment), the investigation procedures in Complaint Procedure 300 (<https://publications.sanjac.edu/student-handbook/complaint-procedures/discrimination-harassment-complaints/>) will apply.
4. Following a decision to investigate, the respondent will receive written notification that an alleged violation has been reported. The respondent will be directed to contact the Office of Student Rights and Responsibilities within three (3) working days to schedule an appointment for an opportunity to respond to the allegations. If the student does not respond to the written notification, a hold may be placed on the student's educational account. If the matter involves an allegation of violence or threat to public safety or harm to any person, The Office of Student Rights and Responsibilities may shorten the time for the student to contact the office.
5. Correspondence from The Office of Student Rights and Responsibilities will be sent to the respondent's official San Jacinto College email account but may also be sent via the US Postal Service or hand-delivery. An email will be deemed to have been received the day after the sending of the message. A first-class letter will be deemed to have been received on the third day after the date of mailing, excluding any intervening Sunday or federal holiday. It is the student's responsibility to update the College of any changes to contact information and to monitor his/her student email account and US mail address. Failure to update contact information or to monitor one's student email account or US mail address does not constitute good cause for failure to comply with a notification.
6. An administrative hold may be placed on the respondent's student records if the student fails to respond to the summons. Regardless of whether the respondent responds to the summons in a timely manner, the investigator may continue the investigation.
7. The investigator will conduct an impartial fact-finding investigation of the allegations by collecting tangible and electronic evidence and interviewing witnesses as may be necessary or appropriate.
8. The parties may provide a list of potential witnesses and any relevant evidence they believe will assist the investigator. Relevant evidence may include emails, text messages, notes, documents, photographs, recordings, or other tangible evidence.
9. In cases involving more than one respondent, each respondent's conference meeting will occur separately.
10. Upon conclusion of the investigation, the investigator will determine whether the respondent is responsible or not responsible for violating the Code of Student Conduct.
11. The standard of proof for all investigations is preponderance of the evidence, which means the investigator's determination shall be made on the basis of whether it is "more likely than not" the respondent violated the Code of Student Conduct.
12. If the investigator determines that a preponderance of the evidence does not establish a violation of the Code, the investigation shall be closed, and written notification will be sent to the respondent.
13. If the investigator determines by a preponderance of the evidence that the respondent has violated one or more provisions of the Code of Student Conduct, the investigator will impose an appropriate sanction(s). When imposing a sanction, the investigator shall consider the evidence gathered in the investigation and may consider the respondent's discipline history, including if the respondent previously engaged in similar misconduct.
14. Notification of the determination, sanction(s), and the appropriate appeal process will be sent to the respondent via their San Jacinto College email account. In some cases, notification may also be delivered via US Postal Service or hand-delivered.
15. Formal rules of procedure, and/or technical rules of evidence, such as those that apply in criminal or civil court, do not apply in this process.
16. When a San Jacinto College student also is a dual-credit student or enrolled in an Early College High School program affiliated with San Jacinto College, the Office for Student Rights and Responsibilities will notify the respondent's high school dean, counselor, or other authorized high school representative of disciplinary charges, investigatory findings and sanctions, and disciplinary hearings and meetings. The high school dean, counselor, or other authorized high school representative may attend a disciplinary hearing or meeting as an observer.

B. Disciplinary Sanctions and Remedies

Sanctions and remedies are designed to promote the College's educational mission. Sanctions and remedies also promote safety and may deter students from behavior that harms, harasses, or threatens people or property. Disciplinary sanctions and remedies will be based upon the seriousness of the offense, the student's demeanor, cooperation, and attitude, the impact of the misconduct on the College environment, the student's overall record at the College (including prior discipline, if any) and statutory or other legal requirements, if any.

Possible disciplinary sanctions and remedies include, but are not limited to:

1. Written warning: A formal notice stating that the Code has been violated and that future violations may result in greater sanctions.
2. Disciplinary probation: A sanction that indicates that the individual's standing with the College is in jeopardy and that further violations may result in suspension or expulsion.
3. Restitution: A sanction that requires the student to compensate an injured party for loss, damage, or injury in the form of money, service, or material replacement.
4. Community service: Performance of a specified number of hours or tasks designed to benefit the College community and/or to help the student understand why their behavior was inappropriate.
5. Class or workshop attendance: Enrollment and completion of a class or workshop designed to help the student understand why their behavior was inappropriate and to understand and comply with expected standards of behavior in a college environment.
6. Educational conversation: A conversation between the student and a professional staff member regarding the student's behavior, its impact on other people, and the college's expectations.
7. Educational project: Completion of a project specifically designed to help the student understand why their behavior was inappropriate and to understand and comply with expected standards of behavior in a college environment.
8. Suspension of privileges: Loss of privileges, such as loss of library privileges, computer privileges, parking privileges, or the privilege to attend athletic or other extracurricular events.
9. Removal from courses or activities: Removal from specific courses or activities, including revocation of eligibility to represent the College in athletic or other extracurricular activities.
10. Counseling: Mandatory counseling sessions or support group attendance.
11. Failing grade: A failing grade may be given for a test, assignment, or course.
12. Restrictions on access: Restriction from entering specific College areas.
13. No-contact order: Restrictions on all forms of contact with certain persons.
14. Suspension: Separation from the College for a specified period of time or until certain conditions are met.
15. Expulsion: Permanent separation from the College whereby the student is not eligible for readmission.
16. Revocation of degree: Revocation of degree and withdrawal of diploma.

The College may impose one or more sanctions or conditions for a single offense. These sanctions do not diminish or replace the penalties available under generally applicable civil or criminal laws. Students are reminded that many violations of the Code, including harassment and other discriminatory behavior, also may violate local, state, and federal laws and may subject the student to additional penalties. The procedures used in a Conduct Appellate Board meeting or by the Office of Student Rights and Responsibilities do not replicate those used in court cases and are not contractual.

A pending criminal investigation or prosecution will not preclude the College from investigating an allegation of student misconduct and implementing discipline, if warranted. Likewise, dismissal or resolution

of a criminal matter will not preclude the College from continuing its investigation and implementing discipline, if warranted.

C. Emergency Suspension or Removal

Pending investigation of allegations of misconduct or pending a hearing or appeal of charges against a student, the College administration may take such immediate interim action as is appropriate to the circumstances. This includes suspending the right of the student to be present on campus or to attend classes or a particular College activity. The College administration must undertake an individualized safety and risk analysis and determine whether the student poses an immediate threat to the health or safety of others or to the student. The administration will promptly send written notice to the student via (i) hand delivery or (ii) electronic mail and or first-class US mail.

In determining whether an emergency suspension or removal is warranted, the administration will consider the weight and reliability of the evidence or report of wrongdoing. If the student is a dual credit student, allegations of wrongdoing at the student's high school campus may be considered. A student who is suspended on an emergency basis is entitled to a hearing if requested; the request must be submitted in writing within five calendar days to the Office of Student Rights and Responsibilities. The hearing shall be held as soon as practicable, generally within five working days of the administration's receipt of the student's request. The purpose of the hearing is not to resolve the underlying charge of misconduct but to determine if removal is justified pending investigation or a hearing on the underlying charge. The hearing regarding the emergency suspension shall be conducted by the senior instructional leader at the campus where the student is enrolled or, if that leader is involved in any way in the underlying charge of misconduct, the hearing shall be conducted by the senior instructional leader from another College campus. If the allegations involve sexual harassment, then the hearing on the emergency suspension will be held in accordance with the College's sexual misconduct procedure. (See Procedure III.3006.D.A., section 6.3 on emergency removal.) The hearing on an emergency suspension may be conducted via video conference.

When a San Jacinto College student also is a dual credit student or enrolled in an Early College High School program affiliated with San Jacinto College, the Office for Student Rights and Responsibilities will notify the respondent's high school dean, counselor, or other authorized high school representative of any emergency suspension of the student. The high school dean, counselor, or other authorized high school representative may attend an emergency suspension hearing or meeting as an observer.

The Title IX procedure states that, in sexual harassment cases, the student must request a hearing within **five calendar** days, and the hearing must be held within **five working** days. Do you want the general student conduct process to have the same deadlines as the Title IX process?

D. Appeals Overview

1. A decision by the Office of Student Rights and Responsibilities may be appealed by the respondent within five (5) business days of the decision. Such appeals shall be submitted using the appeal form by clicking here (https://cm.maxient.com/reportingform.php?SanJacCollege&layout_id=1). The timely filing of an appeal generally will suspend the imposition of any imposed sanction; however, interim action(s), including emergency suspension, may be implemented as authorized by this Code.

- If the student does not file an appeal, then the sanction or remedy imposed by the Office of Student Rights and Responsibilities will become final and will be promptly implemented.
- In cases where the sanction is either suspension or expulsion, the appeal will be heard by a Conduct Appellate Board. In cases with sanctions other than suspension or expulsion, the appeal will be heard by the Associate Vice Chancellor of Student Services or designee.

E. Appeals to the Associate Vice Chancellor of Student Services

Within 12 working days of receipt of the appeal, the Associate Vice Chancellor or designee will review the respondent's appeal and the evidence, documents, and information gained through the investigation and will issue a written decision. No new evidence shall be considered unless the basis of the appeal is that new, material evidence has been located and was not reasonably available at the time of the initial determination regarding responsibility. The Associate Vice Chancellor or designee may request written clarification from the student who has appealed, the investigator, or the Office of Student Rights and Responsibilities. The decision of the Associate Vice Chancellor of Student Services is final and non-appealable.

F. Appeals to a Conduct Appellate Board

Students who have been sanctioned with expulsion, suspension in excess of five school days, revocation of a diploma/degree, withdrawal of a diploma/degree, or removal from campus during a period of campus disruption (pursuant to Texas Education Code section 51.231-51.243) may request a hearing on the decision before a Conduct Appellate Board.

- Upon receipt of an appeal to a Conduct Appellate Board, a hearing ordinarily shall be held within 12 working days. The investigator will promptly notify the student of the date and time of the hearing via email and the names and titles of the members of the Conduct Appellate Board.
- No less than four working days before the hearing, the investigator will provide the respondent with a list of intended witnesses (including general subject matter of their testimony), and copies of any documents intended to be used as exhibits.
- No less than four working days before the hearing, the respondent shall provide the investigator with a list of intended witnesses (including general subject matter of their testimony) and copies of any documents intended to be used as exhibits.
- During the hearing, the respondent is entitled to an advisor. The advisor may be any person as long as they are not a witness in the matter. The advisor may be an attorney. If the respondent intends to have an attorney present for the hearing, they must notify the investigator and the Conduct Appellate Board no fewer than four working days before the hearing. Failure to notify of the intent to have an attorney present may result in rescheduling the hearing. If the respondent chooses to have an attorney present for the hearing, the College retains the right to also have an attorney present. Advisors are allowed to be present for the hearing and to consult with their respective parties, but they are not allowed to participate in any way, question witnesses, or make a presentation.
- The hearing will be conducted as an administrative hearing. Courtroom rules of evidence and civil procedure will not apply; however, general concepts of relevancy and materiality shall prevail at the hearing. The chairperson may limit cumulative or repetitious testimony or evidence. The chairperson will rule on objections. The administration, having the burden of proof, will have

the opportunity and duty to open and close the presentation. The hearing Board may seek legal advice from an attorney as appropriate during the hearing or while preparing a written determination. Hearings are closed to members of the public.

- The respondent and College administration may present witnesses and cross-examine adverse witnesses.
- Upon conclusion of the hearing, the Conduct Appellate Board will privately deliberate to reach a decision. The decision must be based solely on the evidence presented at the hearing in the presence of the parties, and any decision must be based on a preponderance of the evidence. The Board shall consult with the Associate Vice Chancellor of Student Services regarding the proposed disposition of the appeal to ensure compliance with College policy. The final decision of the Conduct Appellate Board shall be communicated to the respondent, investigator, and the Office of Student Rights and Responsibilities within 12 working days of the filing of the appeal. The decision of the Conduct Appellate Board is final and non-appealable.
- Pursuant to Sections 51.231-51.243 of the Texas Education Code, in certain cases involving removal from campus during periods of disruption, the respondent is permitted to be represented by counsel, to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and to be given the opportunity to rebut unfavorable inferences that might otherwise be drawn, and to appeal any adverse findings to the Chancellor and Board of Trustees.

G. Good Cause Delay

Upon a showing of good cause, or upon the mutual agreement of the parties, all deadlines above may be extended as appropriate and necessary.

H. Accommodations During Disciplinary Hearings

In the event that a student is a qualified person with a disability under federal law and is unable to represent himself or herself during an investigation or hearing because of his or her disability, the student may be entitled to a reasonable accommodation, which could include representation by legal counsel. Requests for accommodations in the student conduct process should be directed to Accessibility Services via email at accessibility.services@sjcd.edu.