

# 3.0 PROHIBITED CONDUCT (GENERAL MISCONDUCT)

## 3.0 Prohibited Conduct (General Misconduct)

Any student found to have committed the following acts is subject to disciplinary sanction(s), condition(s), and/or restriction(s). The standard of proof is preponderance of the evidence. Misconduct or prohibited behavior includes, but is not limited to:

### 3.1 Endangerment and Unwanted Physical Contact

3.1.1 Conduct that threatens or is likely to endanger the health or safety of any person on College property or at College sponsored and affiliated functions, including physical abuse, assault, child abuse, fighting, threats to use force, and/or acts of intimidation or harassment.

3.1.2 Action(s) that endanger the health, safety or well-being of another person or group, including child abuse or neglect of a child.

3.1.3 Action(s) that is likely to endanger one's own health or safety.

3.1.4 Interference with the freedom of another person to move about in a lawful manner or to participate in the activities and programs of the College.

3.1.5 Physical contact with another when the actor knows or reasonably should know that the other person will regard the contact as offensive or provocative. Whether the conduct is offensive or provocative will be evaluated from the viewpoint of a reasonable person in similar circumstances. Factors will include, but are not limited to, the parties' overall course of conduct, if any, and whether the contact was incidental and inadvertent.

3.1.6 When conduct satisfies one or more of the above definitions *and* the conduct is based on sex, race, ethnicity, color, sexual orientation, citizenship, age, pregnancy, pregnancy-related condition, termination of pregnancy, or parenting, or marital status, veteran status, national origin, religion or disability, the alleged conduct will be addressed in accordance with Complaint Procedure 300 or 400 as may be applicable.

### 3.2 Harassment

"Harassment" as used in this section refers to repetitive or persistent conduct that goes beyond annoyance, frustration, or offensiveness. The actions must be severe or pervasive, and the effect of the conduct must be to deny or impair a person's ability to participate in or benefit from the College's activities, programs, or services. The term "harassment" as used in this section generally excludes acts or decisions of College officials in the performance of their duties (e.g., assignment of a low grade, denial of financial aid), or an official's inquiries about the student's conduct.

3.2.1 Harassment includes conduct that is physical, verbal, graphic/visual, written, or electronic. Some acts of harassment may be threatening or intimidating, while others may be distracting and disruptive (e.g., persistent attempts to prevent someone from studying; flashing a light in someone's eyes; humiliating but non-threatening practical jokes).

3.2.2 "Harassment" includes, but is not limited to persistent and unwelcome communications by telephone, in writing or by electronic device, including social media cyberbullying, in a manner that is reasonably likely to threaten, harass, annoy, alarm, abuse, torment, or embarrass. Off-campus social media harassment, including by dual credit

students at their home campus, will violate this rule when the conduct denies or impairs another person's ability to participate in or benefit from the College's activities, programs, or services.

3.2.3 Harassment of another person, when conducted in the presence of third parties, also may constitute disruption or disorderly conduct in violation of code section 3.4.

3.2.4 When conduct satisfies one or more of the above definitions *and* the conduct is based on sex, race, ethnicity, color, sexual orientation, citizenship, age, pregnancy, pregnancy-related condition, termination of pregnancy, parenting or marital status, veteran status, national origin, religion or disability, the alleged conduct will be addressed in accordance with Complaint Procedure 300 or 400 as may be applicable. Students who engage in discriminatory harassment are subject to discipline, including suspension and expulsion, pursuant to Complaint Procedures 300 and 400.

### 3.3 Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for the person's safety or the safety of others; 2) suffer substantial emotional distress; or 3) fear for the person's safety or the safety of others and suffer substantial emotional distress. For the purposes of this definition:

(i) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) *Reasonable person* means a reasonable person under similar circumstances.

(iii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking may be physical, such as following another person in a vehicle, and it may be electronic, such as making direct or implied threats by phone or electronic message. Stalking also may include leaving unwanted objects for the reporting party at the reporting party's home, car, or workplace.

When the alleged stalking satisfies one or more of the above definitions *and* the conduct is based on sex, race, ethnicity, color, sexual orientation, citizenship, age, pregnancy, pregnancy-related condition, termination of pregnancy, parenting or marital status, veteran status, national origin, religion or disability, the alleged conduct will be addressed in accordance with Complaint Procedure 300 or 400 as may be applicable.

### 3.4 Disruption and Disorderly Conduct

Attending an institution of higher education is not compulsory but, rather, a voluntary decision by the student to participate in an academic community. By voluntarily joining this community, the student agrees to adhere to behavioral standards that promote a learning environment where all individuals may contribute and benefit.

Disruption and disorderly conduct are related but may differ in degree and impact. Both are prohibited because they interrupt, impede, or prevent the normal operations of the College or interfere with the lawful rights of others.

Prohibited conduct includes conduct that impairs, disrupts, interferes with, or obstructs the orderly educational processes and functions of the College, including teaching, studying, research, College administration, service functions, and extracurricular activities. The prohibition applies to acts inside and outside the classroom setting. The prohibition encompasses events on campus as well as events at college-related activities that occur off campus, including, for example, a clinical site, a graduation ceremony in a county building, or an athletic field at another institution where College athletic activities are occurring.

Faculty members and professional staff members are authorized to take appropriate remedial action upon observing a student engaging in disruptive conduct or disorderly conduct as defined this section. Remedial action includes, but is not limited to, requesting a student to cease disruptive behavior and/or directing the student to leave the area. The faculty member or staff member shall identify himself or herself to the student unless the faculty member or staff member's staff status as a College employee would be understood by a reasonable person in similar circumstances. A student's compliance with a directive does not preclude discipline under this Code.

Prohibited acts include but are not limited to:

3.4.1 Engaging in activities that materially or substantially interfere with the activities of other members of the College community, that cause substantial disorder, or that disrupt the regular operation of College activities, services, or instruction.

3.4.2 Inciting and/or participating in campus demonstrations that materially or substantially disrupt the normal operations or activities of the College and/or that are directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

3.4.3 Obstructing or impeding reasonable access of movement by pedestrians or vehicles on campus.

3.4.4 Using a cell phone or other electronic device in a manner that is disruptive to the teaching/learning environment or is disruptive of a College operation, service, or activity. Students may be subject to permanent removal from class or other progressive discipline for violating a previous directive to refrain from using such devices.

3.4.5 Disorderly conduct in the classroom includes behavior that interferes with (i) the instructor's ability to conduct the class or (ii) another student's ability to receive information from the instructor or to benefit from the program. A faculty member may temporarily remove a student from his/her classroom for the remainder of the class whenever a student is disrupting the class such that the conduct impedes a meaningful learning environment.

3.4.6 Violating the College's policy or procedures on expressive activities. See Board Policy VII.7003.A (<https://www.sanjac.edu/about/policies-procedures/VII-7003-A-Expressive-Activities.pdf#search=Policy%20VII7003A>) and Procedure VII.7003.A.a (<https://www.sanjac.edu/about/policies-procedures/VII-7003-A-a-Expressive-Activities.pdf>).

3.4.7 Engaging in conduct that interferes with or obstructs the student disciplinary process.

3.4.8 Making audible noise in a continuous or repeated manner in a classroom or other campus location that is (i) contrary to the faculty member's or staff member's instructions and/or is otherwise inconsistent with the activity taking place in the classroom or other campus location or (ii) contrary to the reasonable rules of decorum for the location.

Examples include interrupting an instructor, staff member, or other person; playing music or videos on a device in a classroom or library; talking on a cell phone; slamming books on a table; or emitting a noise from a device.

3.4.9 Engaging in a physical activity in a continuous or repeated manner that is (i) contrary to the faculty member's or staff member's instructions and/or otherwise inconsistent with the educational or other activity or (ii) contrary to the reasonable rules of decorum for the location. Examples include walking around the classroom during instructional time; throwing objects inside a campus building; intentionally blocking another person's view; or using a light-emitting device.

3.4.10 Creating, by chemical means, a noxious and unreasonable odor in a public place on campus.

3.4.11 Using abusive, indecent, profane, or vulgar language in a classroom, library, or public place on campus, and the language by its very utterance tends to incite an immediate breach of the peace.

3.4.12 Making offensive gestures and the gesture tends to incite an immediate breach of the peace.

3.4.13 Displaying a firearm or deadly weapon in a manner calculated to alarm.

3.4.14 Engaging in a physical interaction or confrontation with another person in a manner that that unreasonably disrupts, impairs, interferes with, or obstructs a College activity, service, or operation, including but not limited to horseplay, loud arguments, or physical discipline of a child.

### 3.5 Hazing

Prohibited acts for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization or as part of any activity of a recognized student organization or student group includes any act that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, any student group or organization, a hazing charge may be upheld even without direct proof that a person's initiation or continued membership is contingent upon participation in the activity. In addition to violating this Code of Conduct, hazing also is a violation of Texas law (Texas Education Code § 37.151 and 51.936).

Hazing includes, but is not limited to:

1. Striking a student, abandoning a student in an unfamiliar location, blindfolding a student or tying a student's hands or planning hazing activities to be performed by others.
2. Forced consumption of any food, alcohol, drugs, or any other substance.
3. Forced physical activity, such as calisthenics.
4. Deprivation of food or sleep.
5. Any activity that is intended to subject the individual to embarrassment or humiliation.

### 3.6 Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Other Inappropriate Conduct of a Sexual Nature

It is the policy of San Jacinto College to provide a campus environment free of sexual harassment, sexual assault, dating violence, domestic

violence, and other conduct of a sexual nature that are hostile, unwelcome, or intimidating, or inappropriate on campus. The definitions of conduct prohibited by Section 3.6 are contained in the College's Sexual Misconduct Policy and Procedure (Board Policy III.3006.D and Administrative Procedure III.3006.D.a – available at [www.sanjac.edu/sexual-misconduct-policy](http://www.sanjac.edu/sexual-misconduct-policy))). A copy of Administrative Procedure III.3006.D.a is repeated in this Student Handbook at Complaint Procedure 400. Students who violate the College's Sexual Misconduct Policy are subject to discipline, including suspension and expulsion.

### 3.7 Dishonesty; Misrepresentation; Fabrication; Fraud

3.7.1 Cheating, plagiarism, collusion, or other forms of academic dishonesty fall within the jurisdiction of the Instructional Affairs Division. The definitions of prohibited conduct are contained in the College's Academic Dishonesty Policy, which is found in the Student Handbook. The Academic Dishonesty Policy contains a detailed explanation of academic dishonesty, prohibited conduct, sanctions, and procedures. While most academic dishonesty violations will be addressed by the Academic Dishonesty Policy, a charge may be referred to the Office of Student Rights and Responsibilities when the student previously was accused or sanctioned on two or more occasions.

3.7.2 Making, possessing, or using any falsified College documents or records, including financial or employment records; altering any College document or record, including identification cards; providing false information on an admissions application or financial aid application; providing false information to College officials, faculty members, or College offices, including disciplinary hearing bodies; assisting another person in altering a record.

3.7.3 Making a false report to College police.

3.7.4 Knowingly passing insufficient fund checks or fraudulent money orders in payment of any financial obligation to the College.

3.7.5 Falsely claiming to represent the College or a registered student organization of the College.

3.7.6 Impersonating another student, employee, or community member while attempting to conduct College business, including but not limited to email, phone, or in-person transactions, or accessing any College-related systems.

3.7.7 Soliciting money from another student or students under the false claim of needing financial assistance for a family member or friend.

3.7.8 Stealing or misappropriating of registered student organization funds.

3.7.9 Submitting false information to the College with the intent of obtaining a benefit or harming another person; omitting information that is requested by the College and that is necessary to ensure the accuracy of a record.

3.7.10 Withholding material information from a College official, including a faculty member or peace officer acting in the course and scope of their employment.

3.7.11 Using a device, account, credit card, stored value card, or other card that confers a benefit to obtain a College service or product when the device, account, credit card, or other card is expired, when the user does not have a lawful right to use the device, account, credit card, or other card, or when there is evidence of an intent to defraud the College.

### 3.8 Firearms, Fireworks, Explosives, Weapons

Possessing, using, or storing firearms, prohibited weapons, ammunition, fireworks, facsimile firearms, dangerous chemicals, incendiary devices or explosives, and other items that could be used as weapons, including but not limited to poles, clubs, swords, shields, body armor, metal masks, helmets, or other garments, including sporting goods protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, when the possession, use, or storage occurs on College-controlled property or at College events or programs or in violation of the College's Campus Carry Policies and Procedures, except as may be authorized by federal, state, or local law or regulations. As used in this Handbook, *prohibited weapons* include but are not limited to (i) firearms that one carries without proper licensing or that one carries in non-conformance with the College's Campus Carry Policies and Procedures or state/federal law and (ii) pellet guns, sling shots, martial arts devices, switchblades, explosive weapons, or other types of knives and clubs. For more information regarding College policy and procedures, please visit the campus carry page on the College website (<https://www.sanjac.edu/student-life/campus-safety/campus-carry/>).

### 3.9 Alcohol-related and Controlled Substance-Related Misconduct

3.9.1 The College is committed to educating students and providing resources and information relating to the dangers associated with alcohol, over-the-counter drugs, and controlled substances. Consequences include impaired thinking, risk of injury or death, mental health or physical health consequences, and criminal and civil consequences. The College addresses the use and misuse of drugs and alcohol in specific policy (<https://www.sanjac.edu/about/policies-procedures/VII-7002-A-Alcohol-Usage-at-Events-on-College-Property.pdf>) devoted to these subjects and specifically in the Student Handbook related to a Prevention Program Regarding Illicit Drugs and Alcohol Abuse (<https://publications.sanjac.edu/student-handbook/health/prevention-program-regarding-illicit-drugs-alcohol-abuse/>).

3.9.2 Possessing, using, distributing, manufacturing or selling alcohol, dangerous drugs, controlled substances or drug paraphernalia on College property or at College-authorized or College-sponsored activities, even if the activity is not conducted on campus. Violations include providing alcohol to a minor, minor in possession, public intoxication, and driving while intoxicated.

3.9.3 Over-the-counter drugs are not prohibited when taken in standard dosages or as prescribed by a physician. Prescription drugs are not prohibited when taken by the person to whom the drugs were prescribed and in accordance with the physician's prescription. The non-standard or unauthorized use of over-the-counter and prescription drugs is strictly prohibited. It is a violation of the College's policy for a student to intentionally misuse and/or abuse prescription medication. Misuse and/or abuse includes taking a medication prescribed for another person, taking a medication in an amount or in a manner that was not prescribed, and/or attempting to share or sell medication to another person.

3.9.4 Failing to pass a standard drug test required as part of an instructional or other College-affiliated program, in which the student is a participant.

3.9.5 Except as may be permitted by College Policy VII.7002, alcohol possession or usage, regardless of age, is strictly prohibited on campus and at any off-campus event, activity, or program that is sponsored or authorized by the College.

### 3.10 Fire and Safety

3.10.1 Removal, damage, or unauthorized tampering with or activation of fire, safety, or any emergency warning equipment, including but not limited to fire extinguishers, smoke alarms, and emergency exits.

3.10.2 Falsely reporting a bomb, fire, or other emergency to a College official or to any law enforcement agency.

### 3.11 Gambling

Gambling of any form on College property or at a College-sanctioned event, or program, or activity is prohibited.

### 3.12 Property Violations

3.12.1 Vandalizing, damaging, destroying, or defacing public or private property on College premises or at a College-sponsored or affiliated activity.

3.12.2 Littering.

3.12.3 Stealing; theft or attempted theft; or the unauthorized removal, borrowing, or use of any College property or the property of others.

3.12.4 Trespassing and/or unauthorized presence in any College building or at a College-sponsored or affiliated activity.

3.12.5 Entering, laying, playing, remaining, or standing in the water of any fountain, pond, or other artificial or natural body of water on College grounds that is not designed for recreational or therapeutic purposes; dumping, throwing, placing, or causing to be placed any material, trash, waste, soap or detergent, animal, or debris in the water of any fountain, pool, or other artificial body of water on College grounds.

3.12.6 Possessing, duplicating, and/or using a key to a College facility, without authorization.

3.12.7 Making a false statement of fact to obtain College property.

### 3.13 Misuse of Computing Resources, Technology, Cell Phones, or Cameras

3.13.1 Unauthorized access or entry into a College-owned or College-controlled computer, computer system, networks, software or data; engaging in acts to circumvent network security.

3.13.2 Unauthorized alteration of College-owned or controlled computer equipment, software, network, or data.

3.13.3 Unauthorized copying or distribution of computer software, data, and/or College-issued passwords.

3.13.4 Use of computing facilities and resources that interfere with the work of another student, faculty member, or College official.

3.13.5 Viewing, downloading, or printing pornographic materials, photographs or videos is strictly prohibited on College premises.

3.13.6 Use of College computing facilities and resources to send obscene or defamatory messages.

3.13.7 Any violation of the College's written computer use guidelines.

3.13.8 Unauthorized accessing of College telephones to change a voice mail greeting.

3.13.9 Sending an email or text message using an email address or phone number belonging to another person with the intent to cause the

recipient to reasonably believe that the other person sent or authorized the communication.

3.13.10 Forwarding confidential information without authorization.

3.13.11 Using a cell phone or other recording device to copy another student's academic work.

### 3.14 Failure to Comply

3.14.1 Refusal to comply with an administrative summons or directive of a College official, including campus police officers, acting in the course of their employment.

3.14.2 Refusal to present identification upon the request of a College official in response to a request when on College property. A person identifies himself or herself by giving one's name and complete address, substantiated by official documentation (such as driver's license, passport, San Jacinto College ID card), and stating truthfully whether he or she is a student or employee of the College and identifying that person's legitimate business on campus. A College official includes an administrator, a faculty member, a staff member, a campus peace officer, or member of the board of trustees. Legitimate business includes engaging in assembly, speech, and other expressive activities as authorized by law or College procedure.

3.14.3 Conduct that is intended to hinder or obstruct enforcement of this Code of Conduct, including but not limited to intimidating or attempting to intimidate a witness or potential witness.

### 3.15 Violations of Law and College Policy

3.15.1 Violating published College policies, rules, regulations including, but not limited to parking, smoking and vaping, solicitation, distribution of literature, sexual misconduct, use of recording devices, expressive activities and campus posting rules, all of which can be found in this Student Handbook or on the College website. In addition, in accordance with Texas law which prohibits possession of vape devices and tobacco products by persons who are under the age of 21, any student who is 20 years old or younger is subject to discipline under this code if they possess, purchase, consume, use, or accept a cigarette, e-cigarette/ vape device, or tobacco product while on campus or at a college-related activity.

3.15.2 Violating a federal, state, or local law. Prohibitions include violating a federal, state, or local law, including a law that applies only to persons who are under the age of 21.

3.15.3 Aiding or abetting any violation of federal law, state law, or local ordinance.

3.15.4 Violating a conduct rule published in a handbook applicable to a program in which the student is enrolled.

3.15.5 Violating specific instructions issued by an administrative official of the College acting in the course and scope of their employment.

### 3.16 Retaliation

A student who engages in retaliation may be subject to disciplinary action.

*Retaliation* refers to materially adverse conduct against an individual who has submitted a complaint under this Code, who has submitted a complaint to a state or federal agency and/or who has participated in an investigation of such complaint, or who has engaged in protected activity, including engaging in expressive activities that are protected by law.



The definition of *retaliation* refers to actions that are materially adverse, which means that the action is the type that would dissuade a reasonable student or witness from exercising their rights under this handbook or under the law.

Unlawful retaliation does not include petty slights or annoyances.

### 3.17 Animals on Campus; Animal Cruelty

3.17.1 Engaging in conduct with an animal that violates any federal, state, or local law, including conduct that constitutes animal cruelty.

*Cruelty* refers to conduct that causes or permits unjustified or unwarranted pain or suffering or death.

3.17.2 Bringing an animal to campus that is not authorized under College Policy III.3006.C (<https://www.sanjac.edu/about/policies-procedures/III-3006-C-Animals-on-College-Property.pdf>), the Americans with Disabilities Act, or other state or federal law.

### 3.18 Privacy Violations, including Unauthorized Photography

3.18.1 Taking an unauthorized photo of confidential information, such as a test answer key, confidential student records, confidential health records, or confidential financial information or account numbers without consent of the owner of the information.

3.18.2 Using a camera, cell phone, or other recording device to make a recording or photo of another person's intimate body area without the subject's knowledge or consent.

3.18.3 Using a camera, cell phone, or other recording device to record or take a photo of another person who is undressing or using restroom facilities or other facilities where there is a reasonable expectation of privacy.

3.18.4 Engaging in surveillance or recording of any type without the subject's knowledge or consent in areas where there is a reasonable expectation of privacy.

3.18.5 Taking a photo or video of a person from a vantage point that a reasonable person would view as an invasion of personal privacy.

3.18.6 Taking a photo or video of a person without their consent in a location on campus this is not open for members of the public to congregate, such as an internal office area.

3.18.7 Livestreaming, disseminating, or displaying images or a recording (regardless of who made the photo or recording) in violation of section 3.18 of this Code of Conduct or San Jacinto College Procedure III.3006.A.a, "Use of Recording Devices by Employees and Students."

3.18.8 Using a recording device to secretly record a conversation to which the student is not a party.

3.18.9 Violating San Jacinto College Procedure III.3006.A.a, "Use of Recording Devices by Employees and Students," including provisions that restrict the recording of classroom lectures without the instructor's permission and provisions that restrict the recording of a meeting of a student organization.

### 3.19 Smoking, Vaping, and Using Tobacco Alternatives

Students are subject to discipline for violating the College's smoking and vaping policy (<https://www.sanjac.edu/about/policies-procedures/VI-KK-Policy-on-Tobacco-Use-and-Smoking.pdf#search=smoking%20policy>). "Smoking" as used in the Code of Student Conduct includes inhaling,

exhaling, burning, vaporizing or vaping, using any form of tobacco (synthetic or other plant-based substances), using liquid nicotine, or using electronic devices or any other device or product that delivers tobacco or nicotine. The prohibition also applies to (i) smokeless tobacco products, including liquid nicotine and chewing tobacco and (ii) tobacco alternatives, such as dips or chews that do not contain nicotine or tobacco.

3.19.1 Disciplinary considerations include, but are not limited to, the following: whether the violation occurred indoors or outdoors; whether the violation presented a fire hazard; whether the individual is a repeat offender; whether tobacco or smoking litter was left in the area; whether the individual intentionally exposed an unwilling recipient to smoke; whether no-smoking signage has been tampered with; and whether the offender is cooperative and accepts responsibility for the violation.