

**POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>STUDENT JUDICIAL CODE (Rights, Responsibilities, and Disciplinary Procedures)</b>
<b>EFFECTIVE DATE:</b>	<b>June 18, 2013*</b> <i>(*8/21/17, 2/25/16 Procedural Updates; 8/6/15 Procedural Update for Title IX Compliance)</i>
<b>CANCELLATION:</b>	SA-1448.1C (5/6/08)
<b>CATEGORY:</b>	Student (SA)

**POLICY STATEMENT**

The College has the legal right and moral obligation to establish rules for academic and personal conduct and to deny admission to applicants or continued enrollment to students who do not meet/maintain these standards identified as "responsibilities" as well as other rules of the College and its departments. Counseling and/or sanctions will be imposed on students or student organizations that are found in violation of these standards. The College reserves the right to review any action taken by civil or judicial authorities regarding any Delgado student or student organization.

All students admitted to the College accept the responsibility to conform to all Delgado rules and regulations. The College will make every reasonable effort to make the rules and regulations available. Each student is responsible for becoming familiar with and abiding by them.

**PROCEDURES & SPECIFIC INFORMATION**

1. **Purpose**

To establish a student judicial code (policy) outlining student rights, responsibilities and student disciplinary procedures, in accordance with the policy of the Louisiana Community and Technical College System (LCTCS).

2. **Scope and Applicability**

This policy and procedures memorandum applies to all students and applicants of the College. Jurisdiction may be extended based on conduct off campus, when the behavior or the presence of the student, in the College's sole judgment, adversely impacts or represents a threat to the College community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Delgado Community College. Behavior conducted through electronic means through blogs, web pages, social networking sites and any other modes of electronic communication are in the public sphere, are not private, and can be subject to allegations of misconduct.

3. **Background**

The basic philosophy of the policies and procedures in the Student Judicial Code is one of education and fair, prompt resolution of problems. The focus of the Code is on growth and development of the individual student by encouraging self-control, by publishing clear behavioral guidelines (rules and regulations) and by fostering the rights and privileges of others.

Regardless of how a case is processed, the goals are the same: to redirect the behavior of the student in acceptable patterns and to protect the rights of all students and the entire College community. There exists a fundamental difference between the nature of the Student Judicial Code and that of criminal law. The Code is not intended to resemble the policies or procedures of the criminal justice system. Rather, it involves a closed, informal hearing. The rules of criminal law are neither required nor necessary to achieve the educational goal of the Student Judicial Code.

Delgado Community College is a multicultural community composed of diverse students, faculty, and staff. Delgado will not tolerate harassment of any person or group of persons based on race, color, religious or political affiliation, gender, sexual orientation, citizenship, national origin, age, disability/handicap or marital status or veteran's status, pregnancy, childbirth and related medical conditions, and the sickle cell trait. Each member of the College community is held accountable to this standard which is strongly reflected in this Code.

4. **Code Authority**

Delgado Community College is governed by the Board of Supervisors for the Louisiana Community and Technical College System.

The Chancellor has delegated to the Vice Chancellor for Student Affairs the authority and responsibility for the implementation of the Student Judicial Code.

5. **Definitions**

- A. The term “Appeal” refers to the process by which a student may request reconsideration of a prior decision made regarding their disciplinary status with the College.
- B. The term “College” means Delgado Community College and, collectively, those responsible for its control and operation and applies to all sites at which the College conducts any operations.
- C. The term “College Community” includes trustees, students, and employees of the College as well as any independent contractors or other third parties to the extent articulated under contractual agreements.
- D. The term “College Premises” means buildings or grounds owned, leased, operated, controlled, supervised, or temporarily utilized by the College.
- E. The term “College-sponsored activity” means any activity that is initiated, authorized, or supervised by the College, or that involves representation of the College.
- F. “College Official” means administrators, supervisors, faculty, adjunct faculty, support staff, campus security, coaches, or trainers.
- G. The term “Complainant” means an individual who makes a complaint against another individual.
- H. The term “Mediation” refers to an intervention in a dispute between students whereas the goal is to come to some form of resolve in the matter.
- I. The term “Accused” means an individual who is reported by the complainant to have committed a violation of code, policy or procedure of the College.
- J. “Preponderance of Evidence” means evidence which is of greater weight or more convincing than the evidence to the contrary; evidence which shows that something is more likely than not to be true or 50.1% likely to have occurred.
- K. “Resolution Conference” refers to a meeting with a faculty member, student and the Dean of a Division (or Dean’s designee) in which the goal is to determine the outcome of a case where a violation of the academic dishonesty code is alleged to have occurred.
- L. The term “Student” means an individual who has ever applied to the College.

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- M. The term “[Judicial Affairs Committee](#)” refers to an ad hoc committee of the College comprised of members of a designated pool of trained faculty, staff and students who hear charges filed against an individual and recommend an outcome(s) based on the preponderance of evidence standard in accordance with the College’s [Student Judicial Code](#) and [Student Judicial Procedures](#).
- N. “[Incident Referral Form](#)” refers to the form available on the College’s website used by an individual to report behaviors or incidences of concern by a student(s).
- O. The term “Visitor” means any person who is not a member of the College community who is on College premises.
- P. The term “Witness” means an individual who has personal knowledge of a reported incident.
- Q. The term “Workday” means when the College is officially open for business operations. and excludes weekends, holidays, or other days the College is closed e.g., weather event, etc.).
- R. The term “Written Notice” means email sent to an individual’s preferred email address, or a hardcopy letter sent regular or certified mail. The email and mailing address on record in the College’s student information system is considered official. It is the responsibility of the student to ensure that the correct address is on record in the College’s student information system. Generally, written notice to an incorrect address on file is not an acceptable reason to delay or reschedule a mediation, resolution conference, or hearing.

## 6. **Student Rights**

In order to preserve and to guarantee students of Delgado Community College those conditions indispensable to the full achievement of the objectives of higher education in a free democratic society, the College holds the following rights essential to the development of students as individuals and to the fulfillment of their responsibilities as members of society:

- A. The right of every person to be considered for admission to Delgado Community College and to participate equally in all College offerings, programs and activities without regard to race, color, religious or political affiliation, gender, sexual orientation, citizenship, national origin, age, disability/handicap or marital status or veteran’s status, pregnancy, childbirth and related medical conditions, and the sickle cell trait;
- B. The right to form and participate in campus, local, national, or international organizations for intellectual, religious, social, political, economic or cultural purposes when such organizations do not infringe upon the rights of others;

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- C. The right individually or in association with others, to engage freely in off-campus activities, provided they do not claim to represent the College;
- D. The right to issue official student publications following the procedures set forth by the College;
- E. The right to form and maintain democratic student governance;
- F. The right to use campus facilities, provided the facilities are used for the purpose contracted subject to the approval of the appropriate college official;
- G. The right of students to invite and hear speakers of their choice subject to the approval of the appropriate college official;
- H. The right to address concerns in course scheduling, curriculum, or faculty through proper channels;
- I. The right to due process in all disciplinary matters and the right to appeal to the proper authority or committee;
- J. The right to have faculty who will maintain and encourage an atmosphere of integrity;
- K. The right to file a complaint through the [Student Grievance Procedures](#) to the College when the student's rights have been violated; and
- L. Enumeration of certain rights herein shall not be construed as to nullify or limit other rights possessed by students.

## 7. **Student Responsibilities**

It is the responsibility of every student to conduct his or her self in a manner fitting an academic environment. In most cases, the exercise of good sense and judgment prevail. The following acts as set forth by legislative act and LCTCS policy are contrary to acceptable conduct. The College reserves the right to take any necessary and/or appropriate steps to protect the safety and wellbeing of the College community. Jurisdiction may be extended based on conduct off campus, when the behavior or the presence of the student, in the College's sole judgment, adversely impacts or represents a threat to the College community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Delgado Community College. Behavior conducted through electronic means through blogs, web pages, social networking sites and any other modes of electronic communication are in the public sphere, are not private, and can be subject to allegations of misconduct. Any student who commits or attempts to commit any acts, such as, but not limited to the following, will be subject to disciplinary proceedings:

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- A. Academic dishonesty, such as cheating, plagiarism, academic misconduct, collusion, or accessory to acts of academic dishonesty. Students should be aware that personally completing assigned work is essential to learning. Students who are aware that others in a course are cheating or otherwise committing academic dishonesty have the responsibility to bring the matter to the attention of the course\_instructor and/or the Division Dean.

Academic honesty and intellectual integrity are fundamental to the process of learning and to evaluating academic performance. Maintaining such integrity is the responsibility of all members of the College. Academic dishonesty includes, but is not limited to the following:

1. *Cheating*--The act of deception by a student who misrepresents his mastery of information on an academic exercise. These acts can be either premeditated or not. Examples include copying or allowing someone else to copy work of another student; using a textbook or other material during an examination; collaboration during an academic exercise or giving or receiving information; and using specially prepared materials during an academic exercise, such as notes or formula lists.
2. *Plagiarism*-- The inclusion of someone else's actual words or paraphrases, ideas, or data into one's own work without acknowledging the original source. The included material must have appropriate citations such as footnotes or quotation marks and identification of the sources, published or unpublished, copyrighted or not copyrighted.
3. *Collusion*-- The unauthorized collaboration with another person in preparing an academic exercise or committing an academic violation with another person.
4. *Academic Misconduct*-- The actual or attempted tampering or misuse of academic records or materials such as transcripts and examinations. Examples include stealing, buying, or otherwise obtaining all or part of a non-administered test or academic exercise; selling, bribing or giving away all or part of a non-administered academic exercise or any information about it; changing or altering a grade book, test, change of student record form, or other official academic records of the College that would alter grades; and breaking in and/or entering a building or office for the purpose of changing a grade or tampering in any way with grades or examinations.

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5. *Falsification/Fabrication*-- The intentional use of invented information or the falsification of research findings with the intent to deceive. Examples include citation of information not obtained from the source indicated; listing sources in a bibliography not used in the academic exercise; inventing data or source information; submitting as one's own, any academic exercise prepared totally or in part for/by another; taking a test for another student or permitting another student to take a test for oneself; submitting work previously used for credit in another course without express permission of the Instructor; and falsifying information on official school documents such as application, financial aid, and/or scholarship forms.
6. *Accessory to Acts of Academic Dishonesty*--The act of intentionally facilitating, supporting, or conspiring with another student to commit any form of academic dishonesty.

All violations of Section A should be referred to the Instructor or via the [Incident Referral Form](#) and will be dealt with through the College's [Student Judicial Procedures, Section I. Due Process for Alleged Academic Dishonesty](#). The Office of Student Life may then send the report to Campus Police as needed.

- B. Harassment defined as the act of systematic and/or continued unwanted and annoying actions of one party or a group. Such actions will be considered a violation of misconduct if deemed, for example, as intimidating, disparaging, unwelcomed sexual advances, physical or verbal in nature. Furthermore, if a violation of legal statute is found to have occurred the matter may be pursued criminally.

All violations of Section B should be referred to the Title IX coordinator, Campus Police, a Confidential Advisor or via the [Incident Referral Form](#). Delgado Community College complies with the [Campus Sexual Misconduct Policy](#) of the Louisiana and Community and Technical College System. The Title IX Coordinator may then send the report to Campus Police or the Office of Student Life as needed.

- C. Obstruction or disruption of teaching and research.

All violations of Section C should follow the College's [Classroom Disruption Procedures](#) and, depending on the severity of the incident, may be reported either to Campus Police or via the [Incident Referral Form](#).

- D. Obstruction or disruption of authorized college event, administrative procedure, or disciplinary procedure.

All violations of Section D should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- E. Unauthorized entry into or unauthorized occupation of any college facility.

All violations of Section E should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- F. Verbal, emotional, or physical abuse or threat thereof against any person on campus or at any college-authorized event, or other conduct which threatens or endangers the health and safety of any such person.

All violations of Section F should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- G. Theft or damage to personal property or to the property of the College or injury to a person on the campus.

All violations of Section G should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- H. Intentional interference with the right of access to college facilities or with any lawful right of any person on the campus.

All violations of Section H should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- I. Setting a fire on campus without proper authority.

All violations of Section I should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).

- J. Unauthorized use or possession of fire arms, ammunition, or other dangerous weapons, substances, or materials on the campus.

All violations of Section J should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).



- K. Knowingly furnishing false information to the College, which includes but is not limited to false reporting or false accusations.

All violations of Section K should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- L. Forgery, alteration, or misuse of college documents, records or identification.

All violations of Section L should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- M. Use, possession or distribution of narcotic or dangerous drugs such as marijuana, hallucinogens, and other drugs which are not prescribed or expressly permitted by law.

All violations of Section M should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).

- N. Failure to comply with the directives of campus officials and law enforcement officers acting in performance of their duties, to identify oneself to these officers when requested to do so, or failure to respond to requests for information.

All violations of Section N should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- O. Conduct which adversely affects the student's suitability as a member of the academic community (such as drunkenness, use of profanity, or behavior deemed unbecoming of a student).

All violations of Section O should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

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- P. Violating the [Tobacco-Free College policy](#) in accordance with Louisiana Revised Statutes 40:1300.251-263.

All violations of Section P should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).

- Q. Gambling in any form on College property.

All violations of Section Q should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).

- R. Use or possession of any alcoholic beverage on campus or at College-related activities occurring off site, except at functions as approved by the Chancellor.

All violations of Section R should be reported directly to Campus Police and then to the Office of Student Life via the [Incident Referral Form](#) and follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#).

- S. Misuse or Abuse of Computer Equipment, Programs, or Data - Unauthorized use of computing resources or use of computing resources for unauthorized purposes is prohibited by the College's [Information Technology Security](#) policy. This may include but is not limited to such activities as accessing or copying programs, records, or data belonging to the College or another user without permission; attempting to breach the security of another user's account or deprive another user of access to the College's computing resources; knowingly or carelessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks; using the College's computing resources for personal or financial gain; allowing non-college personnel access to college computing resources; displaying obscene, lewd, or sexually harassing images or text in use of college computing services; transporting copies of College programs, records, or data to another person or computer site without written authorization; attempting to destroy or modify programs, records or data belonging to the College or another user.

All violations of Section S should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

T. Aiding or inciting others to commit any act set forth above.

All violations of Section T should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and, depending on the severity of the incident, be reported directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

8. **Due Process/Judicial Procedures**

The College provides for due process in academic dishonesty and disciplinary matters through the procedures established in the [Delgado Student Judicial Procedures](#).

9. **Cancellation**

This policy and procedures memorandum cancels policy and procedures memorandum SA-1448.1C, *Student Judicial Code*, dated May 6, 2008.

*Policy Reference:*

[Delgado Student Judicial Procedures](#)  
Delgado Policy and Procedures Memorandum [Student Grievance Procedures](#)  
Delgado Policy and Procedures Memorandum [Tobacco-Free College Policy](#)  
[Delgado Information Technology Security](#)  
[Delgado Classroom Disruption Procedures](#)  
[LCTCS Policy #2.004, Student Conduct and Appeal Procedures](#)  
[LCTCS Policy #7.002 Use of Technology Resources Policy Statement](#)

*Review Process:*

Ad Hoc Committee on Student Judicial Policy 5/9/12  
Student Judicial Committee 5/11/12  
Student Affairs Council 5/21/13  
College Council 6/18/13  
Procedural Update for Title IX Compliance-Vice Chancellor for Student Affairs Approval 8/6/15  
Procedural Update for Behavioral Intervention Team Procedures-Vice Chancellor for Student Affairs Approval 2/25/15  
Procedural Update -Vice Chancellor for Student Affairs Approval 8/21/17

*Distribution:*

Distributed Electronically Via College's Website