

POLICY & PROCEDURES MEMORANDUM

TITLE:	STUDENT JUDICIAL CODE (Rights, Responsibilities, and Disciplinary Procedures)
EFFECTIVE DATE:	May 6, 2008* <i>(*Smoking Policy Update 11/1/10; STAT Procedures Addition 8/4/10; Title Updates 6/2/10)</i>
CANCELLATION:	SA-1448.1B (3/5/02)
OFFICE:	Student Affairs (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.

The College is committed to affording all students, including distance education students, the opportunity for accessibility and due process during the student judicial process. To ensure this, distance education modalities will be available at each step of the process when appropriate.

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 of the College.

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 sex, race, color, religion, age, national origin, disability, sexual orientation or marital or veteran status. Each member of the college community is held accountable to this standard which is strongly reflected in this Code.

3. **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 Assistant Vice Chancellor for Student Affairs the authority and responsibility for the implementation of the Student Judicial Code.

4. **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, sex, age, disability, national origin, religious or political beliefs, sexual orientation, or marital or veteran status;
- 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;
- 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's Student Publications Committee;
- 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; and
- J. Enumeration of certain rights herein shall not be construed as to nullify or limit other rights possessed by students.

5. **Student Responsibilities**

It is the responsibility of every student to conduct himself or herself in a manner fitting an academic environment. The College has established [Classroom Disruption Procedures](#) to address student conduct issues in the classroom. The College also has established [Student Threat Assessment Procedures](#) to address distressed students. 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. Any student who commits or attempts to commit any acts, such as, but not limited to the following, will be subject to disciplinary proceedings:

- A. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedure, or other authorized college event;
- B. Unauthorized entry into or unauthorized occupation of any college facility;
- C. 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;
- D. Theft or damage to personal property or to the property of the College or injury to a person on the campus;
- E. Intentional interference with the right of access to college facilities or with any lawful right of any person on the campus;
- F. Setting a fire on campus without proper authority;
- G. Unauthorized use or possession of fire arms, ammunition, or other dangerous weapons, substances, or materials on the campus;
- H. Academic dishonesty, such as cheating or plagiarism;
- I. Knowingly furnishing false information to the College;
- J. Forgery, alteration, or misuse of college documents, records or identification;
- K. 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;
- L. Failure to comply with the directives of campus officials and law enforcement officers acting in performance of their duties, or to identify oneself to these officers when requested to do so;
- M. Conduct which adversely affects the student's suitability as a member of the academic community (such as drunkenness, use of profanity, or disorderly conduct);
- N. Aiding or inciting others to commit any act set forth above;
- O. Smoking outside of designated smoking areas as prohibited by the College's [Smoking Policy](#);
- P. Gambling in any form on college property; and

(*Smoking Policy Update 11/1/10;

STAT Procedures Addition 8/4/10; Title Updates 6/2/10)

- Q. Use or possession of any alcoholic beverage on campus except at functions as approved by the Chancellor.

- R. 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.

6. **Academic Dishonesty**

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. The faculty will encourage and maintain an atmosphere of academic honesty. They will explain to students the regulations defining academic honesty and the sanctions for violating these regulations.

Students, too, must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. 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.

Dishonest practices make it difficult for honest students to be evaluated and graded fairly and damage the integrity of the entire College. Permitting dishonesty is not open to personal choice. A faculty member who is unwilling to act upon academic dishonesty is an accessory with the student offender in damaging the integrity of the College.

Academic dishonesty is a violation of the Student Judicial Code and academic policy and is therefore subject to sanction according to the Student Judicial Code.

In academic dishonesty cases, procedural due process necessitates that the faculty member should first talk with the student(s) and try to resolve any discrepancies within one week (five business days) of the incident. If, after this discussion, it is still believed that the violation occurred, the faculty member may assess a penalty commensurate with the value of

the exercise, work, or exam on which the violation occurred. The student must be informed in writing or via Delgado email within two (2) business days of the penalty that has been levied so that documentation will be available if needed at a later date.

In any situation in which an alleged violation occurs, the faculty member may choose to pursue the matter beyond what is described in the preceding paragraph through the student judicial process. If the student is not satisfied with the outcome of the process as described in the preceding paragraph, the student may wish to pursue the student grievance process outlined in the College's [Student Grievance Procedures](#) policy.

In any situation in which the alleged misconduct is such that it would cause the student to receive a failing grade in the course, the faculty member must pursue the matter through the student judicial process. The first formal step in this process (beyond what was described in the preceding paragraph) is that the faculty member must file a written report with the Division Dean in which the faculty member and the course are housed within one week (five business days) of the incident or within one week (five business days) of meeting with the student. A copy of this report is to be sent to the Office of Student Life for the Judicial Files. The faculty member must also inform the student in writing or via Delgado email that such a complaint has been filed. The faculty member, student, and Division Dean or designee will meet in a Resolution Conference to discuss the alleged incident as soon as possible. The student is permitted to have a personal advisor present, but the advisor may not comment. If the Division Dean feels it would be in the best interests of the parties to proceed directly to the hearing level, the case can be referred directly to the College Judicial Committee. At the Resolution Conference, an agreement should be reached concerning the alleged violation, as well as any sanctions, if appropriate. If no agreement is reached or if the other party fails to appear, the case must be referred to the College Judicial Committee. The Division Dean will forward all written materials to the Director of Student Life.

In the case of the final grade, the faculty member will not submit a final grade until the alleged violation has been resolved, at which time the faculty member can assign the appropriate final grade.

If the involved student is a candidate for graduation, the student will be allowed to participate in the commencement ceremony, but the diploma/degree will not be awarded until the case is resolved, a final grade assigned, and the student's degree status determined.

Academic dishonesty includes, but is not limited to, the following:

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.

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.

Collusion--The unauthorized collaboration with another person in preparing an academic exercise or committing an academic violation with another person.

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 an unadministered test or academic exercise; selling, bribing or giving away all or part of an unadministered 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.

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.

Accessory to Acts of Academic Dishonesty--The act of facilitating, supporting, or conspiring with another student to commit any form of academic dishonesty.

7. **Due Process/Judicial Procedures**

The College provides for due process in disciplinary matters through the following procedures:

A. Reporting of Incidents

1. All reports of student misconduct shall be made on the Office of Student Life's [Student Referral Form](#) web link on the College's website within five (5) business days of the incident. The Director of Student Life will also accept a Police Report forwarded within ten (10) business days of the incident. The Director of Student Life will notify the supervisor of the College employee making the complaint and the Campus Provost/ administrator in charge of the site that the violation has been reported.
2. The Director of Student Life shall determine if a violation of the Judicial Code has taken place based on the allegation. If an alleged violation is determined to have been committed, the Director of Student Life or designee will interview the involved student within one week (five business days) or within a reasonable timeframe if best effort is demonstrated in contacting all parties.

B. Immediate Action

1. Incidents where no disciplinary action is needed:

If the Director of Student Life is of the opinion that a case merits no disciplinary action, a report to that effect will be made, and this written report will be kept on file in the Judicial Files of the Office of Student Life and a copy will be forwarded to the Assistant Vice Chancellor for Student Affairs.

The person making the complaint, the accused student, the supervisor of the College employee making the complaint, and the Campus Provost/ administrator in charge of the site will be notified of the decision by the Director of Student Life within ten (10) business days of receiving the report. The proceedings shall terminate at that point.

2. Incidents handled through Resolution Conference:

- a. If the Director of Student Life determines that the alleged misconduct requires disciplinary action of a minor nature, but less than expulsion, an investigation will be made under the Director of Student Life's supervision.

- b. The student will be advised of the decision and of the proposed sanction in a "Resolution Conference." If the student concurs, the proposed sanction shall be imposed and the proceeding terminated. The student is permitted to have a personal advisor present in an advisory capacity only.

- c. If the student declines to accept the decision, the student may file a written request for a hearing before the College Judicial Committee.
 - d. The Director of Student Life will file a report of the incident; this written report will be kept on file in the Judicial Files of the Office of Student Life and will be forwarded to the Assistant Vice Chancellor for Student Affairs.
 - e. At any point at which a resolution is reached throughout the judicial process, the Director of Student Life will provide the resolution in writing to the person making the complaint, the supervisor of the College employee making the complaint, and the Campus Provost/administrator in charge of the site.
3. Incidents referred to the College Judicial Committee:
- a. If the complaint cannot be resolved through the Resolution Conference process, the complaint will be referred to the College Judicial Committee.
 - b. If the Director of Student Life is of the opinion that the matter should be heard by the College Judicial Committee, the student will receive a notice that a hearing will be forthcoming.

C. College Judicial Committee Procedures

- 1. In order to protect the student's guaranteed legal rights, the following procedures will be carried out regarding the rights of students who are to appear before the College Judicial Committee-- to face charges for violation of college regulations.
 - a. The hearing must be scheduled expeditiously by the Director of Student Life or designee; however, within reason efforts will be made to consider the class schedule of the committee chair, the complainant, and the accused student.
 - b. The student is to be given written notice of charges against him/her by the Director of Student Life or designee at least three (3) business days prior to the hearing, or within a reasonable timeframe if best effort is demonstrated in contacting the student. For hearings concerning alleged violations that the Director of Student Life deems may have potentially threatening ramifications to those involved, due diligence may require less notification time.

- c. The student has the right to face his/her accuser. The student and the complainant must be present (in person or by teleconference) for the hearing to proceed except as noted in “d” and “e.”
 - d. In the event that the person filing the complaint fails to be present in person or by teleconference (except in cases of unavoidable emergency) at the hearing, the charges will be dropped and the Chair of the Committee shall so notify the Assistant Vice Chancellor for Student Affairs in writing with a copy to the Director of Student Life.
 - e. If the accused student fails to appear after having confirmed written notification of the time/place of the hearing (except in cases of unavoidable emergency), the Committee shall continue with the hearing, and make a decision based on evidence presented at the hearing.
 - f. The student is to be afforded an adequate and fair hearing on the charges.
 - g. The student is to be permitted to testify, if he/she so desires, and to present the testimony of any competent witnesses who have personal knowledge of any matters or materials relevant to the charges.
 - h. Both the accuser and the accused will be informed that he or she may bring one personal advisor who may attend and advise the individual but may not present his/her case.
2. The Chair of the Committee shall send a written report of the Committee's decision within five (5) business days to the accused student and the person filing the complaint with a copy to the supervisor of the College employee making the complaint, the Campus Provost/administrator in charge of the site, the Assistant Vice Chancellor for Student Affairs, and the Director of Student Life.
 3. Either the accused student or the person filing the original complaint may, within three (3) business days of notification, appeal the Committee's decision to the Assistant Vice Chancellor for Student Affairs. The student and complainant will be notified in writing of the Assistant Vice Chancellor for Student Affairs' decision within ten (10) business days. A copy of this decision will be filed in the Judicial Files of the Office of Student Life.

4. The final appeal for the complainant or the accused student at the college level is to the Chancellor and must be filed within three (3) business days of receipt of the decision of the Assistant Vice Chancellor for Student Affairs. The student and complainant will be notified in writing of the decision of the Chancellor within ten (10) business days. Copies of this appeal and the Chancellor's decision will also be filed in the Judicial Files of the Office of Student Life with a copy to the Assistant Vice Chancellor for Student Affairs.
6. In accordance with [LCTCS Policy #2.004, Student Conduct and Appeal Procedures](#), after the student has exhausted all due process procedures at the college level, the student may choose to appeal to the LCTCS Board within thirty (30) calendar days of the Chancellor's decision.

D. Status of Students Pending Final Action by the College Judicial Committee

Pending action on charges, the status of the accused student shall not be altered nor his/her right to be present on campus and attend classes suspended, except for reasons relating to his/her physical or emotional safety and well-being or when it is deemed necessary for the protection of the safety of other individuals, students, faculty, and/or property. In such an event, the Director of Student Life will afford the affected student a preliminary hearing within three (3) business days or within a reasonable timeframe if best effort is demonstrated in scheduling the hearing, after his/her temporary suspension. The student will have the right to be present at the hearing. If after such hearing the Director of Student Life finds that the student should remain in suspension until the final decision, it shall be so ordered through a recommendation to, and in consultation with, the Assistant Vice Chancellor for Student Affairs. Otherwise, the student may be readmitted to classes pending a final disposition of the case.

E. Composition of the College Judicial Committee

The College Judicial Committee is responsible for conducting all disciplinary hearings, providing policy recommendations regarding student discipline, and for assuring that consistency in interpretation of the guidelines is maintained at all hearings.

The College Judicial Committee shall be appointed by the Chancellor at the beginning of each academic year. Each member will be appointed for a two-year, staggered term. The Chair shall be appointed by the Chancellor from among the second-year faculty/professional staff members of the Committee and will serve as a voting member of the Committee. In addition, one student and three faculty/professional staff members will be appointed from each campus or site with full-time faculty/staff.

Non-voting members will include the Assistant Vice Chancellor for Student Affairs, Director of Student Life, and the staff member representing Office of Student Life in adjudicating the case for that particular hearing.

Each case must be heard by the College Judicial Committee with a minimum of five (5) members (including the Chair) present. Any committee member may recuse him/herself from a particular hearing if there may be a conflict of interest in the particular case.

The hearing is to be conducted at the campus or site where the alleged violation occurred unless the College Judicial Committee determines another location to be more appropriate.

F. **Sanctions**

A student may be required to sign/conform to a behavioral contract or may be placed on probation, suspended from the College, or expelled from the College for disciplinary reasons.

1. *Behavioral Contract* - A Behavioral Contract is a written agreement which enumerates the behavioral expectations to which the student will be required to adhere. Such a contract may include, but is not limited to, periodic counseling with a specified staff member, performance of specified assignments, absence of further occurrences of the type of behavior causing the initial complaint, etc. Once the period of the contract has expired, the record is destroyed.
2. *Probation* - Probation is the loss of privileges; possible loss of employment in the case of students who are employed by the College; campus restrictions; or special restrictions under which a student may remain in college. A record of the proceedings which led to the sanction will be kept on file in the Judicial Files of the Office of Student Life for a minimum of ten (10) years. Since probation does not become a part of the permanent record, it is not reported on the official academic transcript. However, if transfer forms require a listing of disciplinary action, it shall be reported.
3. *Suspension* - Suspension is separation from the College for either a specified period or an indefinite period of time. In either case, the student who wishes to return must apply for readmission, and if the student is accepted, he/she may return with either full or curtailed privileges, as delineated by the College Judicial Committee. Since the student must reapply, a record of the suspension will be kept in the student's official file in the Registrar's Office

and on the applicant file in the Admissions Office until such time the student is readmitted. When the student is readmitted, the record is kept in the Judicial Files of the Office of Student Life for a minimum of ten (10) years. "Disciplinary Suspension" is placed on the official academic transcript.

4. *Expulsion* - Expulsion is dismissal from the College without the privilege of readmission. Expulsion may include the revocation of any or all academic credits earned at the College. Expulsion becomes a permanent part of the official academic transcript. Records of the proceedings resulting in the action will remain on file in the Judicial Files of the Office of Student Life permanently in case of future appeals.

8. **Cancellation**

This policy and procedures memorandum cancels policy and procedures memorandum SA-1448.1B, *Student Judicial Code*, dated March 5, 2002.

Attachments:

[Delgado Classroom Disruption Procedures](#)

[Delgado Student Threat Assessment Procedures](#)

[Student Referral Form](#)

[Student Referral Guide \(Office of Student Life Publication\)](#)

Policy Reference:

[LCTCS Policy #2.004, Student Conduct and Appeal Procedures](#)

[LCTCS Policy #7.002 Use of Technology Resources Policy Statement](#)

Delgado Policy and Procedures Memorandum [Student Grievance Procedures](#)

Delgado Policy and Procedures Memorandum [Smoking Policy](#)

[Delgado Information Technology Security](#)

[Delgado Classroom Disruption Procedures](#)

[Delgado Student Threat Assessment Procedures](#)

Review Process:

Ad Hoc Committee on Student Judicial Policy 12/18/07

Student Judicial Committee 3/12/08

Student Affairs Council 3/18/08

College Council 5/6/08

Distribution:

Distributed Electronically Via College's Intranet and E-Mail System