

POLICY & PROCEDURES MEMORANDUM

TITLE:	STUDENT CODE OF CONDUCT (Rights, Responsibilities, and Disciplinary Procedures)
EFFECTIVE DATE:	November 22, 2024* <i>(*LCTCS Policy Update 11/22/24; Organizational e/Title Updates Effective 8/12/24; Procedural/Title Updates 8/11/23, 12/16/2022, 1/14/2022, 4/12/21, 7/29/2020, 8/21/2017, 2/25/2016 8/6/2015; Title IX Compliance Update; Original 6/18/2013)</i>
CANCELLATION:	SA-1448.1D (4/12/2021)
CATEGORY:	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. Stipulations 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; however, it is not required to wait for said action prior to moving forward with this process.

The College also reserves the right to take any necessary and/or appropriate steps to protect the safety and wellbeing of the College community, and to expedite or amend the procedures and process for cases that the College deems require immediate action. In cases where there is no complainant, or a complainant is not willing to come forward and it is determined that the safety of an individual or the College community is at risk, the College may deem itself the complainant.

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 all Delgado rules and regulations.

PROCEDURES & SPECIFIC INFORMATION

1. Purpose

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

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2. **Scope and Applicability**

This policy and procedures memorandum applies to all students and applicants of the College. The College's scope and authority may be extended based on conduct off campus in accordance with violations of the *Student Responsibilities* outlined in Section 7.

3. **Background**

The basic philosophy of the policies and procedures in the Student Code of Conduct 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 Code of Conduct 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 Code of Conduct.

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, gender identity, 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 Associate Vice Chancellor for Academic and Student Affairs has the responsibility for the implementation of the Student Code of Conduct.

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.

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- 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, grounds, virtual platforms, and technology resources owned, leased, operated, controlled, supervised, or temporarily utilized by the College.
- E. The term “College-sponsored activity” means any physical or virtual 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 “Respondent” means an individual who is reported by the complainant to have committed a violation of code, policy or procedure of the College.
- I. “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.
- J. “Clear and convincing evidence” is an intermediate standard between preponderance of the evidence and proof beyond a reasonable doubt. To prove a fact by clear and convincing evidence means to demonstrate that the existence of that fact is much more probably than its non-existence.
- K. “Presumption of Innocence” means the respondent is afforded the express presumption of innocence and may not be deemed guilty of the violation until they formally acknowledge responsibility or at the conclusion of a hearing where the College has established every element of the alleged violation.
- L. “Resolution Conference” refers to an intervention in a dispute involving a student(s) where the goal is to come to some form of resolution in the matter. Or it may mean 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.
- M. The term “Student” means an individual who has ever applied to the College.

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- N. 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 clear and convincing standard in accordance with the College’s [Student Code of Conduct](#) and [Student Judicial Procedures](#).
- O. “[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).
- P. The term “Visitor” means any person who is not a member of the College community who is on College premises.
- Q. The term “Witness” means an individual who has personal knowledge of a reported incident.
- R. 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.).
- S. 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 resolution conference or hearing.
- T. The term “Fully Participate” includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the complainant or respondent, as applicable, with support, guidance, and advice.

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, gender identity, 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;

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- 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;
- 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 all students to conduct themselves in a manner fitting an academic environment. Violations of the Student Code of Conduct include 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. This includes wearing of styles or articles of clothing that cause disruption or intimidation of others in the learning environment or violate established classroom protocols. Behaviors 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.

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In most cases, the exercise of good sense and judgment prevail. Students must adhere to all Student Responsibility requirements as published in the [current catalog](#). This includes, but is not limited to, the student's responsibility to update contact information with the College and to check electronic communications daily. The College reserves the right to take any necessary and/or appropriate steps to protect the safety and wellbeing of the College community.

In accordance with the Student Responsibility requirements as published in the [current catalog](#), once a student formally registers for classes, the student assumes the responsibility for understanding *all* Delgado's official policies, including but not limited to the policies published in the current *Delgado Community College Catalog* and *Student Handbook*. Students are responsible for adhering to all College and System policies and procedures in any form.

The following acts as set forth by legislative act and LCTCS policy are contrary to acceptable conduct, and 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. 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 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.

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

- C. Sexual Harassment defined in Title IX Regulations (Section 106.30) as conduct on the basis of sex that satisfies one or more of the following:
 1. A Delgado faculty or staff member/employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (quid pro quo).

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2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education programs or activities; or
3. Sexual assault, dating violence, domestic violence, or stalking.

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

- D. Obstruction or disruption of teaching and research.

All violations of Section D 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](#).

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

All violations of Section E should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#) and [Distressed Student Decision Tree](#), 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. Unauthorized entry into or unauthorized occupation of any college facility.

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 via the [Incident Referral Form](#).

- G. Verbal, emotional, or physical abuse/harm 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 G should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#). Depending on the nature and severity of the incident, a report should be made directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

- H. 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 H should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#). Depending on the nature and severity of the incident, a report should be made directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

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- I. 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 I should follow the College's [Student Judicial Procedures, Section II. Due Process/Judicial Procedures](#). Depending on the nature and severity of the incident, a report should be made directly to Campus Police or the Office of Student Life via the [Incident Referral Form](#).

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

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

All violations of Section K 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](#).

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

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

All violations of Section M 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](#).

- N. 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 N 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](#).

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

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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](#).

- P. 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 P 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](#).

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

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](#).

- 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 Technology Equipment, Programs, Mobile and Web-based Applications, Resources, or Data - Unauthorized use of technology resources or use of technology 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 misrepresenting a student's identity in any authentication and [identity verification process](#), 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 technology resources; knowingly or carelessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks; using the College's technology resources for personal or financial gain; allowing non-college personnel access to college technology resources; displaying obscene, lewd, or sexually harassing images or text in use of college technology services; transporting copies of

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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 replaces the most recent procedural/title update of policy and procedures memorandum SA-1448.1D, *Student Judicial Code*, dated August 12, 2024.

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](#)

Louisiana Revised Statute 17:3394, Disciplinary Proceedings

Review Process:

Ad Hoc Committee on Student Judicial Policy 5/9/2012

Student Judicial Committee 5/11/2012

Student Affairs Council 5/21/2013

College Council 6/18/2013

Procedural Update for Title IX Compliance-Vice Chancellor for Student Affairs Approval
8/6/2015

November 22, 2024*

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Procedural Update for Behavioral Intervention Team Procedures-Vice Chancellor for Student Affairs Approval 2/25/2015

Procedural Update -Vice Chancellor for Student Affairs Approval 8/21/2017

Procedural Update – Vice Chancellor for Student Affairs Approved 7/29/2020

Procedural/Title Update – Vice Chancellor for Academic and Student Affairs 4/12/2021

Procedural/Title Update – Vice Chancellor for Academic and Student Affairs 1/13/2022

Procedural/Title Update – Vice Chancellor for Academic and Student Affairs 12/16/2022

Procedural/Title Update – Vice Chancellor for Academic and Student Affairs 8/11/23

Procedural/Title Update – Vice Chancellor for Academic and Student Affairs 8/11/23

Organizational Change/Title Update – Associate Vice Chancellor for Student Affairs Approval Effective 8/12/24

LCTCS Procedural Update – Associate Vice Chancellor for Student Affairs Approval 11/22/24

Distribution:

Distributed Electronically Via College's Website