

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

No. ES.3.23	Page 1 of 7	Effective Date: 06/25/15
DIVISION:	Educational Services	
SUBJECT:	Student Rights and Responsibilities	
AUTHORITY:	Minute Order #23-15	
PROPOSED BY:	<i>Original Signed by Elton E. Stuckly, Jr.</i>	
TITLE:	Vice Chancellor/Chief Operations Officer	Date: 06/25/15
RECOMMENDED BY:	<i>Original Signed by Elton E. Stuckly, Jr.</i>	
TITLE:	Vice Chancellor/Chief Operations Officer	Date: 06/25/15
APPROVED BY:	<i>Original Signed by Mike Reeser</i>	
TITLE:	Chancellor	Date: 06/25/15

STATUS: Approved by BoR 06/25/15

HISTORICAL STATUS: Approved by EMC 06/09/15
Proposed 01/06/15

POLICY

As responsible members of the college community, students, organizations, and clubs are expected to maintain the highest level of academic and social conduct. A student at Texas State Technical College neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to obey all federal, state, local, and international (if applicable) laws in addition to college standards and regulations.

PERTINENT INFORMATION

Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) has a Comprehensive Standard on the topic of Students rights and responsibilities.

Comprehensive Standard 3.9.1 The institution publishes a clear and appropriate statement of student rights and responsibilities and disseminates the statement to the campus community (Student rights).

STUDENT RIGHTS AND RESPONSIBILITIES

As members of the college community, TSTC Students are entitled to certain rights associated with attending an institution of higher education. These rights are published and can be found on-line on the TSTC website in addition to the following section of this SOS.

STATEMENT OF TSTC STUDENT RIGHTS AND RESPONSIBILITIES

1. The right to freedom from discrimination on the basis of race, color, religion, gender, age, national origin, genetic information, gender identity, sexual orientation, disability, or veteran status.
2. The right to develop one's individual potential.
3. The right to expect a quality education.
4. The right to pursue an education without undue interference.
5. The right to be free from hazing, threats, stalking, violence, and other harassing actions.
6. The right to petition the appropriate college unit or body for redress of grievances in accordance with college procedures.
7. The rights to confidentiality of official records, transcripts, disciplinary records and other educational records consistent with the Family Educational Rights & Privacy Act (FERPA) of 1974 (Buckley Amendment).
8. The right to communicate with administrators, faculty, and staff through appropriate processes.
9. The right to publish and distribute information through the appropriate forums subject to the standards of reasonable journalism and applicable regulations/statements of the U.S. Constitution, the Federal Communications Commission, and the College.
10. The right, in accordance with law and college procedures, to freedom of speech and assembly which are subject to college requirements for the maintenance and order and the protection of rights and privileges of other members in the college community.
11. The right and opportunity to participate in the formulation of procedures directly affecting students through membership or appointment to appropriate committees as determined by the College, Student Leadership, and other recognized groups within the College.
12. The right of access to college-designated facilities through college approved/recognized student organizations for business meetings, special meetings, and programs open to the public in accordance with College procedures.

STATEMENT OF TSTC ACADEMIC STUDENT RESPONSIBILITIES

1. **Academic Freedom** - Students and all other members of the college community are guaranteed the rights freely to study, discuss, investigate, teach, conduct research and publish as appropriate to their respective roles and responsibilities. In the classroom and in conference, students have the right within the scope of the course of study to

state divergent opinions, challenge ideas, and take reasoned exception to the data or the views offered.

Responsibility - Students and faculty share the responsibility to protect and to preserve conditions that are conducive to the learning process, including withholding judgment on matters of opinion, ensuring a fair hearing for divergent viewpoints, and observing rules of courtesy in the classroom.

2. **Academic Standards** - Students have the right to know the standards of academic performance established for each course in which they are enrolled.

Responsibility - Students are responsible for seeking clarification of any standard in question at the beginning of the term, for preparing assignments in advance of each class session, and for learning the content of any course of study for which they are enrolled. Rules applying to academic dishonesty must be followed, including those related to plagiarism and cheating.

3. **Academic Evaluation** - Students have the right to be evaluated solely on an academic basis, without regard to issues of diversity, opinions or conduct in matters unrelated to academic standards. Students have the right to review tests and other written works after the instructor has evaluated them and are accorded protection through the Student Grievance policy against prejudiced or capricious academic evaluation.

Responsibility - Students are responsible for bringing academic grievances first to the attention of the instructor who performed the evaluation in an effort to resolve the issue. If the matter cannot be settled at this level, it may be appealed in writing as outlined in the Student Grievance Procedure.

4. **Improper Disclosure** - Except when disclosure may be required by state or federal law, students have the right to confidentiality of information about views, beliefs and political associations which they may share privately with instructors, advisers or academic counselors. Judgment of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

Responsibility - Students have the responsibility to state clearly what is and what is not confidential disclosure.

5. **Disruptions** - Students have the right to pursue an education without disruption or interference and to expect enforcement of norms for acceptable classroom behavior that prevents disruption of the teaching/learning process.

Responsibility - Students may not disrupt class or any other college process by any means whatsoever (including sideline conversations, comments, arguments, noise of any kind or other activity which would hinder access to or utilization of academic information).

6. **Non-Discrimination** - Students have the right to learn in an environment where diversity is respected.

Responsibility - Students are responsible for respecting diversity and for behaving courteously to both faculty members and other students in the classroom regardless of difference in sex, color, religion, gender, national origin, genetic information, disability, or veteran status.

7. **Intellectual Property** - Students have the right to expect that presentation of material in a class will be in compliance with copyright law and that their own creative work will not be disseminated or published without their permission.

Responsibility - Students who receive written notification from a faculty member that the information provided in his or her course is the faculty member's intellectual property shall not distribute, use for commercial purpose, or create derivative works of the intellectual property without obtaining the express permission of the faculty member. Students shall not assume permission absent written notification from a faculty member. Students shall also respect and treat in similar manner the intellectual property of other students.

STUDENT CODE OF CONDUCT

TSTC is committed to preserving student's rights and responsibilities by adhering to and publishing basic elements of due process that allow students the opportunity to be heard in all interactions between the student and the College. The Code of Student Conduct (Code) outlines a standard of behaviors that will not be tolerated along with procedures for due processes for alleged violations of the Code. It can be found in the e-Catalog which is online on the TSTC website. The Code is reviewed every year, but it is a living document which can be modified to comply with federal, state, local, or international (where applicable) law.

Application of the Code

- The Code provides an educational and non-adversarial process designed to resolve matters concerning student conduct; it is not designed to be a legal or judicial process.
- The Code is designed to be reliable, fair and effective.
- Individuals who have established a student relationship with the college are subject to the Code.
- The Code applies to all aspects of campus life; in the classroom, on college property, in residential facilities, at an off campus sponsored activity, or conduct that may occur off campus.
- The Code operates by preponderance of evidence. (The majority of the evidence would cause a reasonable person to support a conclusion.)
- Disciplinary records are maintained by the Disciplinary Officer or designee of the local campus in accordance with college records and retention policy.
- The college disciplinary process will proceed during the pendency of any related criminal or civil proceedings and will not be subject to reconsideration even if related charges are dismissed or otherwise resolved.
- Student Clubs/Organizations are expected to conduct themselves in a manner consistent with the college's function as an educational institution. Student Clubs/Organizations must observe all international, federal, state or local laws and college policies, including the Code, both on campus and off campus.

Procedures

The Disciplinary Officer or designee shall have primary authority and responsibility for administering student discipline. The Discipline Officer or designee will assess all suspected and reported violations of the Code. Complaints regarding alleged misconduct should be submitted to Student Rights and Responsibilities Office as soon as possible after the alleged violation.

After completing an initial inquiry the Discipline Officer or designee may:

- Dismiss the allegations as unfounded.
- Summon the student for a conference.
- Upon completion of the conference, dismiss the allegations or impose disciplinary sanctions.
- Impose immediate interim action if the continued presence of the student poses a danger to persons, property, or disruption of the academic process of the college.

A. Notice of Complaint

- Deliver a notice summarizing the alleged misconduct either by mail, hand delivery, or electronic means. All students are responsible for maintaining a current physical mailing address with the college and be aware if documents are sent electronically the student's official TSTC e-mail address will be used.
- Give notification of a date that the student has to complete the conference by and if not completed the student automatically waives his/her right to a conference and the Discipline Officer or designee will make a decision based solely on the information at hand.

B. Notice of Disciplinary Findings

- If it is determined that the greater weight of evidence or preponderance of evidence indicates that a student engaged in a violation of the Code, then the Discipline Officer or designee will deliver a Notice of Disciplinary Findings.
- Notice of Disciplinary Findings will also include information regarding the Review process.
- This notice will inform the student of the findings, any sanctions, restrictions imposed, and the student's right to appeal if applicable.

C. Sanctions for Misconduct

- Admonition – oral or written reprimand.
- Discretionary Sanctions – work assignments, service to the college, etc.
- Disciplinary Probation – indications that the student has engaged in unacceptable behavior and that further violation may result in more severe action. Additional conditions may be imposed such as counseling, educational seminars/courses, et.
- Withholding of grades, official transcript, certificate of completion, or degree.
- Suspension of Rights and Privileges – including, but not limited to, participate in intramurals/recreation center, extracurricular activities, election to office, restrictive building or area access, housing or visitation privileges, etc.
- Removal or bar from college housing facilities.

- Administratively withdrawn from a course(s).
- Bar Against Readmission – for a specific period of time, and/or drop from current enrollment or drop from enrollment in one or more courses.
- Restitution – reimbursement for damages to or misappropriation of property either monetarily or by specific duties.
- Failing grade or other academic penalty.
- Denial of Degree – this will become part of the student’s permanent record.
- Revocation of a degree, grade, or certification – this will become part of the student’s permanent record.
- Suspension – removal from the college for a specified period of time. A suspended student will be administratively withdrawn from TSTC, prohibited from entering college premises, and blocked from future registration until reviewed by the Discipline Officer or designee. This sanction will become a part of the student’s permanent record and may be removed at the completion of the sanction, at the student’s request.
- Expulsion – permanent removal from the college. An expelled student will be administratively withdrawn from TSTC and prohibited from entering college premises. This will become part of the student’s permanent record.
- Other penalties as seen fit by the appropriate college administrator.

D. Review Process

- Only sanctions that include restrictions, loss of privileges, withholding/revocation of grades or degrees, suspension, or expulsion may be reviewed by the Student Conduct Review Board (Board) or Discipline Hearing Committee. All Title IX cases will follow the Sexual Misconduct Policy and the Title IX Review Board.
- A student has three (3) working days to request a review to the Review Administrator.
- The student will be notified within five (5) working days of the time, date, and location of the review by the Review Administrator. Any delays due to extenuating circumstances will be documented and all parties will be notified accordingly.
- At least two (2) working days prior to the hearing, a list of witnesses and documentation must be turned into the Review Administrator.
- The Discipline Officer or designee will present the College’s case followed by the student’s presentation. Each Party will have the opportunity to present testimony and evidence in support of their position. The Board will be allowed to question both parties and request additional information or clarification.
- Review procedures will be confidential and closed to the public.

E. Student Conduct Review Board

- Consists of five (5) members of the campus community: chairperson (who also serves as the Review Administrator, three (3) faculty/staff and two(2) students. The chairperson and the faculty and staff members will be appointed by the local Campus Provost. Designated students selected to serve on the Board must be

currently enrolled and must be in good disciplinary standing.

- The Chairperson will direct proceedings of the review and participate fully in all reviews and participate fully to include voting.
- The objective of the Board is to review the findings and sanctions originally imposed by the Discipline Officer or designee. They may not impose more severe penalties.
- The decision will be made by majority vote. All votes will be recorded by secret ballot, tabulated by the chair.
- The findings and conclusions of the Board are final.
- The Chairperson will have three (3) working days to provide written results of the review to all involved.

F. General Rules

- Reviews are informal proceedings and traditional rules of the courtroom evidence do not apply, but the Discipline Officer or designee must show preponderance of evidence and that the sanction imposed was reasonable based on the circumstances.
- An advisor or support person may be present for the review, but may not make statements, represent the accused or question witnesses.
- If a student intends to be accompanied by an attorney for the review, the attorney will not be permitted to present evidence before the Board. The College reserves the right to counsel in the event it is deemed necessary. The time frame for scheduling a review may be extended if the college has to retain counsel.