

F.4.2.1 (Procedure) Student Code of Conduct

Responsible Departments: Vice Chancellor for Student Success, Vice Chancellor for Academic Success

Based on Board Policy: [F.4.2](#) - Student Code of Conduct

Approved: 5-19-09

Last Amended: 12-18-12

Non-Academic Misconduct

Non-academic misconduct constitutes any violation not associated with academic performance. All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct.

Unless otherwise indicated, the Code of Conduct applies to offenses on College District Property and at College District Sponsored Activities, however, note that the definition of “College District Property” contemplates that the use of College District resources such as internet access (including WiFi, ACES, Blackboard Vista) and telecommunications devices (including telephones) in the commission of any offense require the offense to be considered to have occurred while physically on College District Property regardless of where the offense occurs. Throughout the Code of Conduct, capitalized terms indicate those terms are specifically defined in the *Definitions* section.

In addition to any and all activities prohibited by law and College District policies, procedures, and college rules, the following is a nonexclusive list of expressly prohibited behavior:

1. Engaging in Inappropriate Behavior or Communications. Violation of this provision shall include posting or transmitting of inappropriate messages electronically (such as via Blackboard Vista or other distance learning platform or via e-mail).
2. Engaging in Disruptive Behavior. Violation of this provision shall include “heckling” or making inappropriate noises during class, which interrupts the flow of instruction or student concentration. Violation shall also include inaudible behavior such as passing notes, sending/receiving text messages, checking e-mail or otherwise violating rules of behavior described in the class syllabus.
3. Belonging to or soliciting membership in a Criminal Street Gang. Violation of this provision shall be presumed when “colors”, signs (such as hand gestures) or any symbols reasonably associated with gang membership are displayed, exhibited or communicated.
4. Participating in or promoting Gambling activities unless they are sponsored by the ACCD Foundation or otherwise permitted by law for charitable purposes.
5. Engaging in Public Indecency.
6. Displaying or distributing Obscene photographs, drawings or similar visual representations or other Obscene material.
7. Possessing or Promoting Child Pornography.

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8. Possessing a Weapon, except as provided in Policy [G.1.4](#) regarding concealed handguns, firearms and ammunition in certain areas - Peace Officers may however, possess Firearms but only in strict accordance with TCLEOSE requirements and those of the commissioning agency.
9. Possessing or deploying a Hoax Bomb or any container that may reasonably be perceived to contain a Hoax Bomb or an Explosive Weapon.
10. Engaging in Disorderly Conduct.
11. Participating in or organizing a Riot, unless the assembly was at first lawful and peaceful and when the Student tried to leave when one of those assembled manifested an intent to start a Riot.
12. Communicating or circulating a False Alarm or Report.
13. Stalking.
14. Photographing or otherwise visually recording (by any means) another without the other person's consent, under circumstances which would tend to cause arousal or sexual gratification to any person.
15. Assaulting any person.
16. Sexually assaulting any person.
17. Starting any fire, regardless of whether the fire continues after ignition or causes an explosion unless doing so is appropriate as part of a College District Sponsored Activity (such as a lab or classroom activity) under appropriate faculty supervision.
18. Engaging or participating in Criminal Mischief.
19. Committing or attempting an act of Theft.
20. Attempting to negotiate a stolen check.
21. Engaging in Forgery or possessing, issuing, transferring, registering the transfer of, passing, publishing, or otherwise uttering a writing that is a result of Forgery.
22. Presenting or using a credit or debit card which should be known to have not

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been issued to that person and is not used with the effective consent of the cardholder; or the card has expired or has been revoked or cancelled.

23. Making a materially false or misleading written statement to obtain property or credit for that person or another (including student loans or grants).
24. Issuing a Bad Check.
25. Preparing, selling, offering or advertising for sale, or delivering to another person an Academic Product, in exchange for anything of value, except where the conduct consists solely of offering or providing tutoring or editing assistance to another person in connection with the other person's preparation of an Academic Product to satisfy the other person's academic requirement, and the particular Student does not offer or provide substantial preparation, writing, or research in the production of the Academic Product.
26. Influencing or attempting to influence an employee, faculty member or administrator in a specific exercise of official duties (such as course grades, extensions of deadlines or waivers of academic requirements) by offering any benefit to the employee, faculty member or administrator.
27. Hazing, soliciting, encouraging, directing, aiding, permitting or attempting to aid another in Hazing or failing to report known Hazing incidents to the Administration.
28. Failing to leave a classroom, office or building when requested to do so by a faculty member, employee, police officer or Administrator.
29. Alcohol and Drug Use (see [F.4.5](#) and [F.4.5.Ex](#)):
 - a. The use of intoxicating beverages shall be prohibited on College District Property or at College District Sponsored Activities; provided, however, that the prior approval of the Chancellor or his designee of any Event that is sponsored or authorized by the College District shall waive allow the moderate lawful consumption of alcoholic beverages at that Event. State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.
 - b. No Student shall possess, use, transmit, or attempt to possess, use, or transmit or be under the influence of (legal intoxication not required) any of the following substances on College District Property or at a College

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District Sponsored Activity, function or event at all times:

1. Any controlled substance or dangerous drug as defined by law, including, but not limited to, marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
 2. Alcohol or any alcoholic beverage.
 3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
 4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.
 - c. The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances is also prohibited under this procedure.
 - d. The possession of storage, ingestion or other paraphernalia related to any of the above is also prohibited under this procedure.
 - e. A Student who uses a drug authorized by a licensed physician through a prescription specifically for that Student's use shall not be considered to have violated this rule.
30. Engaging in Sexual Harassment toward any member of the College District Community (see [F.4.3](#) and [F.4.3.1](#)).
31. Engaging in Inappropriate Behavior or Communication, or Harassment other than Sexual Harassment, motivated by race, color, religion, gender, national origin, age, disability, veteran status, genetic information, sexual orientation, or any other reason and directed toward any member of the College District Community (see [F.4.4](#) and [F.4.4.1](#)).
32. Tampering with fire extinguishers, fire alarm boxes, or smoke or heat detectors anywhere on College District Property or at a College District Sponsored Activity.
33. Ejecting objects from buildings or vehicles on College District Property or at a College District Sponsored Activity.
34. Failing to comply with lawful directions of College District officials (including Administrators, faculty members and Police Officers) acting in performance of their duties.
35. Failing to comply with College District policies, procedures, regulations, and administrative rules, including but not limited to those pertaining to traffic, parking and the use of College District facilities.

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36. Inappropriate use of information technology resources (see [C.1.9](#) and [C.1.9.1](#)).
37. Unauthorized possession, duplication, distribution, or use of keys to any College District Property.
38. Unauthorized entry into or use of College District Property, or allowing such entry or use by others.
39. Obtaining, possessing, transferring, or using Identifying Information of another person without the other person's consent, to harm or defraud another.
40. Obstruction or attempted obstruction of the disciplinary process (investigations, hearings or proceeding), including failure to comply with the instructions of the Student Conduct Administrator or the guidelines of the sanction(s). Violations include but are not limited to:
 - a. Failure to obey the summons or notice by the Student Conduct Administrator, a disciplinary body, or other College District official.
 - b. Falsification, distortion or misrepresentation of information before a hearing officer or committee.
 - c. Disruption or interference of the orderly conduct of a disciplinary proceeding.
 - d. Attempting to discourage participation in or use of the disciplinary process.
 - e. Attempting to influence the impartiality of a member of the Hearing Committee prior to and/or during the course of the disciplinary proceeding.
 - f. Harassment (verbal, non-verbal or physical) or intimidation of a member of the Hearing Committee, or harassment or intimidation of an individual for filing a complaint, testifying, assisting, cooperating with, or participating in any manner in the disciplinary process.
 - g. Failure to comply with the sanction(s) imposed.
 - h. Influencing, or attempting to influence, another person to commit an abuse of the disciplinary process.

Academic Integrity Violations

Administrators may initiate disciplinary proceedings against a student accused of scholastic dishonesty. Scholastic dishonesty includes, but is not limited to, Academic Misconduct, Cheating, Plagiarism, Fabrication and Collusion.

Definitions

The following definitions shall apply in the Code of Student Conduct:

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Academic Misconduct - the intentional violation of college policies, such as tampering with grades, misrepresenting one's identity, or taking part in obtaining or distributing any part of a test or assessment, or any information regarding the content of such an instrument.

Academic Product – a term paper, thesis, dissertation, essay, report, recording, work of art, or other written, recorded, pictorial, or artistic product or material submitted or intended to be submitted by a person to satisfy an academic requirement of the person.

Administration/Administrator - any College District administrative position, from the level of Dean through college President at the college level and from the level of Director through Chancellor at the District level.

Assault – causing bodily injury to another; threatening another with imminent bodily injury; or causing offensive or provocative physical contact with another.

Board - the College District Board of Trustees.

Cheating - the use or attempted use of unauthorized materials, information, or study aids; or an act of deceit by which a student attempts to misrepresent academic skills or knowledge; or unauthorized copying or collaboration.

Chemical Dispensing Device – a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

Chief Student Affairs Officer - the college chief student affairs officer or designee.

Child Pornography – visual material (including that stored on any physical medium that allows an image to be displayed on a computer or other video screen) that visually depicts a child younger than 18 years of age at the time the image was made who is engaging in Sexual Conduct.

Club – an instrument specially designed, made or adapted for the purpose of inflicting serious bodily injury, or death by striking a person with the instrument, including a blackjack; nightstick; mace; and tomahawk.

College District - the Alamo Community College District including all of its colleges and other units.

College District Community - College District students, guests, employees, Trustees, and contractors.

College District Property - all property owned or controlled by the College District. Use of College District resources such as internet access (WiFi, ACES,

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Blackboard Vista) and telecommunications devices (including telephones) in the commission of any offense shall be considered committing the offense while physically on College District Property regardless of where the offense occurs.

College District Sponsored Activity - any activity on or off College District Property initiated, approved, or supervised by the College District.

Collusion - assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, taking a test or doing an assignment for someone else, or allowing someone to do these things for one's own benefit.

Criminal Street Gang – three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Credit – a loan of money; furnishing property or service on credit; or extending the due date of an obligation.

Criminal Mischief – damaging or destroying tangible property of another (including the College District); tampering with the tangible property of another (including the College District), causing pecuniary loss or substantial inconvenience to another (including the College District); or making markings, including graffiti, inscriptions, slogans, drawings, or paintings, on the tangible property of another (including the College District).

Disorderly Conduct – includes the following:

use of abusive, indecent, profane, or vulgar language that by its very utterance tends to incite an immediate breach of the peace; making an offensive gesture or display which tends to incite an immediate breach of the peace; creating, by chemical means, a noxious and unreasonable odor; abusing or threatening a person in an obviously offensive manner; making an unreasonable noise; fighting with another; or exposing a person's anus or genitals with reckless disregard for whether another may be present who will be offended or alarmed by the act.

Disruptive Behavior – any behavior that unreasonably interferes with or adversely affects the learning environment.

Explosive Weapon – any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

Fabrication - intentional misrepresentation or invention of any information, such as falsifying research, inventing or exaggerating data, or listing incorrect or fictitious

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references.

False Alarm or Report – a report of a crime or wrongdoing or present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by Administration or the Police Department/law enforcement; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, place of assembly, or place to which the public has access.

Firearm – any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

Forgery – altering, making, completing, executing, or authenticating any writing so that it purports to be the act of another who did not authorize the act; to have been executed at a time or place or in a numbered sequence other than was in fact the case; or to be a copy of an original when no such original existed.

Gambling – making a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest; making a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or playing and betting for money or other thing of value at any game played with cards, dice, balls or any other gambling device.

Hazing - any intentional, knowing, or reckless act occurring on or off the College District Property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes:

Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

Any activity that intimidates or threatens the student with ostracism, that

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subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.

Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Penal Code.

Hearing Committee - The committee appointed by the college president to hear Student Code of Conduct issues appealed by the student.

Hoax Bomb – a device that reasonably appears to be an explosive or incendiary device or by its design causes alarm or reaction of any type by an official of a public safety agency, including the College District Police Department.

Inappropriate Behavior or Communication - offensive, abusive, intimidating, malicious or insulting behavior or communication in any form, makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which would cause a reasonable person to suffer stress.

Identifying Information – information that alone or in conjunction with other information identifies an individual, including an individual's:

name, social security number, date of birth, and College District or other government-issued identification number;
unique biometric data, including the individual's fingerprint, voice print, and retina or iris image;
unique electronic identification number, address, and routing code; and telecommunications identifying information or access device (i.e., card, plate, code, account number, personal identification number, electronic serial number, mobile identification number or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another telecommunications device may be used to obtain money, goods, services or other thing of value; or initiate a transfer of funds other than a transfer originated solely by paper instrument).

Illegal Knife – a knife (a) which (regardless of blade size) is equipped with a lock mechanism so that upon opening it becomes a fixed-blade knife or (b) with a blade over five and one-half inches; a hand instrument designed to cut or stab another by being thrown; a dagger; a bowie knife; a sword; or a spear.

Issuance of a Bad Check - issuance or passage of a check of similar sight order for the payment of money when there are not sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as

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all other checks or orders outstanding at the time of issuance.

Knuckles – any instrument that consists of finger rings or guards made of hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

License Holder – persons permitted to carry certain Firearms under the authority of Subchapter H, Chapter 411, Government Code.

Obscene – material (in any form) that the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex; depicts or describes sexual acts or patently offensive (affronting current community standards of decency) representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and taken as a whole, lacks serious literary, artistic, political and scientific value.

Peace Officer – a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, Section 51.212 or 51.214, Education Code, or other law; including College District police officers.

Plagiarism - the unauthorized or undocumented use or close imitation of the language and thoughts of another author and the representation of them as one's own original work.

Promote – to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or offer or agree to do any of the above.

Public Indecency – Sexual Contact, Sexual Conduct or prostitution (offering or soliciting for sexual conduct for a fee or for hire).

Riot – the assembly of seven or more persons resulting in conduct which creates an immediate danger of damage to property or injury to persons; substantially obstructs law enforcement or other governmental functions or services; or by force, threat of force, or physical action deprives any person of a legal right or disturbs an person in the enjoyment of a legal right.

Sexual Assault – an Assault that involves Sexual Contact.

Sexual Conduct – actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.

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Sexual Contact - touching of the anus, breast, or any part of the genitals of another person.

Stalking – engaging in activity reasonably regarded as threatening of bodily injury to, death of the other person or damage to the other person’s property pursuant to the same scheme or course of conduct that is directed specifically at another person on more than one occasion (including following the other person).

Student - a person who is currently enrolled or who has been accepted for admission or readmission to a college of the College District.

Student Conduct Administrator - a College District official, or his/her designee, authorized to impose sanctions upon any student(s) found in violation of the Student Code of Conduct.

Theft – appropriating property of another without the owner’s effective consent or appropriating property of another under circumstances where the receiving person should know the property was appropriated from another without the owner’s effective consent.

Weapon – a Firearm, Illegal Knife, Club, or prohibited weapon as defined by the Texas Penal Code.

Legal Reference - TACC Policy Reference Manual

FL(LEGAL) - Student Rights and Responsibilities

FLA(LEGAL) - Student Rights and Responsibilities: Involvement in Decision Making

FLAA(LEGAL) - Student Expression FLBA(LEGAL) -

Student Conduct: Dress Code FLBC(LEGAL) - Student

Conduct: Hazing FLBE(LEGAL) - Student Conduct:

Alcohol and Drug Use

FLBE(EXHIBIT) - Student Conduct: Alcohol and Drug Use

FLBF(LEGAL) - Student Conduct: Weapons FLBG(LEGAL)

- Student Conduct: Assaults FLBH(LEGAL) - Student

Conduct: Disruptions

FLC(LEGAL) - Student Rights and Responsibilities: Interrogations and Searches