

Section V.F.: Student Discipline for Academic Misconduct Procedures

These procedures supplement and clarify Section V.F. of the Lone Star College System District Policy Manual (“Policy Manual”) last revised by the Board of Trustees on **February 2, 2017**—setting out the College’s policies regarding student discipline for academic misconduct. These procedures are meant to be read in conjunction with Section V.F. of the Policy Manual, and the Policy Manual controls when a conflict arises between it and the procedures below. All terms defined in Section V.F. of the Policy Manual shall also be defined terms for purposes of these procedures. These procedures were last updated on **January 17, 2019**. The notice and comment period was open to the public online from **September 18, 2018** to **October 18, 2018**. Forms V.F.1. through V.F.4. referenced herein are included in the appendix to these procedures.

1. Scope of Procedures. The procedures below are intended to apply to all discipline of College students for academic misconduct covered in Section V.F. of the Policy Manual. These procedures are not intended to apply to sexual harassment, sexual assault, sexual violence, or sexual discrimination committed by students—these types of misconduct are handled under separate policies and procedures. Nor are these procedures intended to apply to non-academic misconduct, which is handled under separate policies and procedures. Academic misconduct can occur on campus, off campus, and online.

2. Designation of CAO. Every college president must designate a vice president to serve as Chief Academic Officer (“CAO”) for that college and for the centers under that college’s supervision. Each college president shall inform the Vice Chancellor for Academic Success and the General Counsel whenever the CAO’s identity changes. The Office of the General Counsel shall keep the current list of CAOs. Each CAO has primary responsibility for student discipline for academic misconduct occurring on, or having harmful effects on, the premises of the CAO’s college and centers under that college’s supervision. This includes responsibility for academic misconduct by LSC-Online students whose home campus is the CAO’s college.

3. Designation and Rotation of Academic Integrity Review Committees. Each college president shall designate five faculty members, five staff members, and five students to serve in the college’s Academic Integrity Review Committee (“AIRC” or “Committee”) pool to review suspensions and expulsions imposed by other colleges for academic misconduct. Each AIRC from that college shall consist of three of the designated faculty and/or staff members (including at least one staff member and one faculty member) and two of the designated students. When a college president receives notice that its AIRC is needed for a hearing, the college president or designee shall email three of the faculty and/or staff and two of the students from the AIRC pool and require them to serve as the AIRC for the hearing. If any of the contacted individuals legitimately cannot participate because of a conflict of interest or an important scheduling conflict, the college president or designee shall contact as many of the other designated individuals as necessary to create a full AIRC. Designated individuals may not be compelled to serve on any particular AIRC, but the college president may designate additional faculty and/or staff members and students as potential AIRC members if needed. The college president shall select one of the Committee’s faculty or staff members to serve as the Chair for the scheduled hearing. The Committee may not review

suspensions and expulsions imposed by their home college's CAO. When an AIRC hearing is required under these procedures, the CAO shall contact the Office of the General Counsel to ask which college's AIRC is next in the rotation. The colleges shall rotate responsibility to provide an AIRC in this order:

1. Lone Star College–North Harris
2. Lone Star College–Kingwood
3. Lone Star College–Tomball
4. Lone Star College–Montgomery
5. Lone Star College–CyFair
6. Lone Star College–University Park
7. Lone Star College–Houston North.

4. Reports of Academic Misconduct. When an instance of academic misconduct is serious, or when minor academic misconduct cannot be resolved informally, anyone with knowledge of a College student's academic misconduct may report it to the appropriate Dean, Director, and/or CAO. Reports must be submitted in writing. Reporters may use Form V.F.1. or any other written format that substantially conveys the same information as a completed Form V.F.1. If a Form V.F.1. is submitted to a College employee who is not the appropriate CAO, that employee shall promptly forward the report to the appropriate CAO.

5. Effective Notice. Unless otherwise specified, any document under these procedures may be delivered in person, by emailing the document to the recipient's designated College email address, or by mailing the document to the recipient's mailing address on file with the College. All members of the College community must keep current and regularly monitor their designated College email addresses. For purposes of these procedures, working days end at 5:00 p.m. central time. Working days includes all days other than Saturdays, Sundays, and all days the College is closed according to its official academic calendar or at the direction of the Chancellor or designee. In calculating deadlines under these procedures, the working day on which an event occurs is "day zero," and the following working day is "day one." If an event occurs on a day which is not a working day, then the next working day is "day zero." Any deadlines under these procedures may be extended with the recipient's written consent.

6. Investigation. After receiving a report of academic misconduct, a CAO shall investigate whether any students have committed academic misconduct. The CAO may delegate investigative duties to other administrative officials, but investigative duties may not be sub-delegated. Investigative duties may include, but are not limited to, some or all of the following:

- Reviewing the report of academic misconduct;
- Interviewing any person with first-hand knowledge of facts related to the reported academic misconduct, including the student and the student's instructor;

- Reviewing any available evidence of the reported academic misconduct, including correspondence, documentation, police reports, photographs, physical evidence, and any other available evidence; and
- Gathering any facts relevant to the reported academic misconduct.

The time and energy dedicated to investigations of academic misconduct should be appropriate to the seriousness of the alleged misconduct and the degree of difficulty in determining the facts of the reported incident(s). Investigations have no minimum length; for example, misconduct witnessed personally by the CAO may require virtually no additional investigation. Each investigation must conclude within ten working days of when the CAO receives the report of academic misconduct. The concluding step in each investigation is for the CAO to memorialize his or her decision as to whether academic misconduct occurred, and if so, the appropriate penalty for the misconduct. All such decisions are written and dated. If the CAO determines that academic misconduct occurred, the CAO must send the decision to the student (“Respondent”) and the student’s instructor.

7. Expulsion or Suspension Sanctions. If the decision imposes suspension or expulsion, the decision shall be accompanied by Section V.F. of the Policy Manual, these procedures and forms, and the following statement:

“A hearing before the Academic Integrity Review Committee to review this decision will be held at [time] on [date] at [location]. If you have a conflict with this hearing, please inform me within five working days so that we may reschedule the hearing.”

A decision imposing suspension or expulsion must be sent to the CAO’s college president at the same time it is sent to the Respondent. A suspension or expulsion usually may not take effect until a decision is final.

8. Academic Integrity Review Committee Hearing. The CAO shall schedule an AIRC hearing to take place within 15 working days after the date of the decision and shall send at least seven working days’ notice—and more if possible—to the Respondent, to the college president over the college to provide the committee for the hearing, to the CAO’s college president, and to the Office of the General Counsel. Form V.F.2. should generally be used for these notices, but another written communication containing equivalent information may be used instead of Form V.F.2. A joint hearing may be scheduled for Respondents initially found to have participated in the same incident(s) of academic misconduct, and references in this Section V.F.2. to one Respondent shall also refer to multiple Respondents if applicable.

AIRC hearings shall take place at the Committee’s college in a room chosen by the Committee Chair. If possible, a hearing should last no more than one day, but a hearing may continue onto a subsequent day if the Committee deems it necessary. All participants in the hearing should strive to arrive at the hearing at least 15 minutes early. All hearing participants should attend in person, but in extraordinary circumstances the Committee Chair may

approve telephonic participation by a witness with a disability or emergency. The College does not reimburse travel expenses related to participation in an AIRC hearing.

The Respondent may personally appear at the hearing, but if a Respondent elects not to appear, he or she must appear through a representative who may be an attorney. The College will appear through the CAO who reached the decision at issue in the hearing, and an attorney from the Office of the General Counsel may also appear on behalf of the College. Failure to appear, either personally or through a representative, will not prevent the Academic Discipline Chair from convening and conducting the hearing. At least four members of the Committee must be present at all times during the hearing. A member of the Lone Star College Police Department shall also be present during the hearing.

The Committee Chair shall preside over, conduct, and adjourn the hearing. After convening the hearing and asking whether the College and the Respondent are present, the Chair shall read aloud the following paragraph, which governs the hearing's procedure:

"We are here to determine whether [Respondent] engaged in academic misconduct and should be [suspended/expelled] from the College. The College has initially determined that [Respondent] engaged in the following academic misconduct: [Read Decision and Investigation Narrative from Form V.F.2.]. During the hearing, a party may speak personally or have a representative speak for the party. A party's representative may be—but need not be—an attorney. At each stage of this hearing, the College will go first. Each party will have an opportunity to give an opening statement, then each party will have an opportunity to present its case, then each party will have an opportunity to give a closing statement. Any party may present witnesses or evidence while presenting its case. The Texas and Federal Rules of Evidence will not apply to the hearing. [Respondent] may not be questioned during the hearing unless [Respondent] testifies as a witness during the presentation of [Respondent's] case. [Respondent] is not obligated to present a case. Any party may question another party's witnesses unless a legally recognized exception to this right exists. Any member of this Committee may question any witness. All evidence, questions, and statements should be relevant to the conduct at issue in this hearing. The Chair determines whether something is relevant. The Chair will manage time to ensure that each party has sufficient time to present its case. After closing statements, this hearing will end and the Committee will deliberate and reach a decision based on the evidence presented. The Committee Chair will provide the Committee's decision to Respondent within seven working days after this hearing ends."

9. Committee Decision. After the hearing, the Committee shall dismiss the parties and consider the evidence and statements presented. The Committee shall evaluate whether academic misconduct occurred on a more-likely-than-not standard; that is, if at least three members of the Committee believe that the evidence shows that the Respondent probably engaged academic misconduct, then it shall find that the Respondent did engage in such academic misconduct, and vice-versa. If the Committee finds that a student did not commit academic misconduct, it shall recommend rejecting the suspension or expulsion imposed by

the CAO. If the Committee finds that a student did commit academic misconduct, then it may recommend adopting or rejecting the suspension or expulsion imposed by the CAO.

The Committee shall memorialize its decision using Form V.F.3., which shall be signed by all members of the Committee who agree with the Committee's decision. Within five working days after the hearing ends, the Committee Chair shall email the Committee's decision directly to the Chancellor and to the Office of the General Counsel.

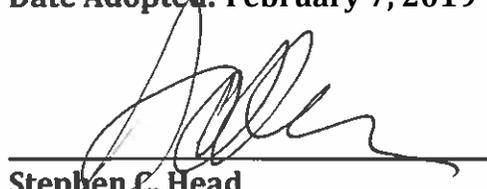
10. Chancellor Decision. The Chancellor reviews the Committee's decision and makes the final decision, which is not appealable. Before deciding a matter, the Chancellor may choose to discuss this matter with the CAO, the Respondent, or anyone else related to the matter. Within 15 working days of receiving the decision, the Chancellor will send his or her final decision regarding suspension or expulsion for academic misconduct to the Office of the General Counsel, which will distribute it simultaneously to the Respondent, to the relevant CAO, to the CAO's college president. A copy of the Chancellor's decision will be included in the Respondent's College file.

11. Periods of Disruption. A suspension or expulsion usually may not take effect until a decision is final. A decision is not final until the opportunity for the Respondent to appeal has passed without an appeal or after all appeals have been exhausted. However, during periods of disruption, the procedures in Chapter 51, Subchapter E-1 of the Texas Education Code apply. A college president is the chief administrative officer under Subchapter E-1. Subchapter E-1 is reproduced in the appendix to these procedures.

12. Agreed Discipline. The College and a Respondent may agree at any time to impose certain sanctions if the Respondent admits having engaged in academic misconduct. Any such agreement shall use Form V.F.4. or a substantially similar signed, written document.

13. Non-Retaliation. The College, including each of its employees and students, shall not retaliate against any person or entity who participates in an investigation or hearing under these procedures. Similarly, anyone reporting academic misconduct submitted in good faith may not be retaliated against by any member of the College community; however, anyone making frivolous reports of academic misconduct will be disciplined, up to and including discharge of employment for an employee or expulsion for a student. Any person who experiences retaliation prohibited by these procedures is strongly encouraged to report the retaliation to the CAO. If the CAO engages in retaliation, such retaliation may be reported to the college president or Vice Chancellor with administrative authority over those individuals.

Date Adopted: February 7, 2019



Stephen C. Head
Chancellor