

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–Cy-Fair
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 in 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.

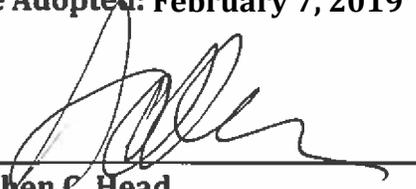
10. Chancellor Decision. The Chancellor reviews the Committee's decision and makes the final decision, which is not appealable. Before deciding a matter, the Chancellor may choose to discuss this matter with the CAO, the Respondent, or anyone else related to the matter. Within 15 working days of receiving 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, and 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

APPENDIX & FORMS

Texas Education Code, Chapter 51

Subchapter E-1. Maintaining Campus Order During Periods of Disruption

Sec. 51.231. Definition of Periods of Disruption.

For purposes of this subchapter a period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility.

Sec. 51.232. Identification of Persons on Campus.

(a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship with the institution.

(b) If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

Sec. 51.233. Withdrawal of Consent to Remain on Campus.

(a) During periods of disruption, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

(b) In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn.

(c) Notification shall be in accordance with procedures set out in Section 51.234 of this code.

Sec. 51.234. Notice of Withdrawal of Consent.

When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by

him to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all of the following:

- (1) that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
- (2) the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
- (3) a brief statement of the activity or activities resulting in the withdrawal of consent; and
- (4) notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

Sec. 51.235. Report to Chief Administrative Officer.

Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, the officer or employee shall submit a written report to the chief administrative officer within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following:

- (1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and
- (2) a statement of the facts giving rise to the withdrawal of consent.

Sec. 51.236. Confirmation of Withdrawal of Consent.

(a) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in Section 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee.

(b) If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

Sec. 51.237. Request for Hearing.

(a) A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

(b) The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Section 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

Sec. 51.238. Reinstatement of Consent to Remain on Campus.

The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

Sec. 51.239. Entering or Remaining on Campus after Withdrawal of Consent.

(a) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Section 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 51.244.

(b) This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

Sec. 51.240. Authority to Suspend, Dismiss, or Expel Students or Employees Not Affected.

This subchapter does not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at the university or college.

Sec. 51.241. Students and Employees Barred from Campus after Suspension or Dismissal.

(a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility

of the institution, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year.

(b) A person who has been notified by personal service of the suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244.

(c) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (b) of this section.

Sec. 51.242. Refusing or Failing to Leave Building Closed to Public.

No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that the individual or individuals have no apparent lawful business to pursue.

Sec. 51.243. Required Hearing Procedures.

A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn in accordance with Section 51.233 is entitled, in addition to the procedures set out in Section 51.234, to the following:

- (1) to be represented by counsel;
- (2) to the right to call and examine witnesses and to cross-examine adverse witnesses;
- (3) to have all matters upon which the decision may be based introduced into evidence at the hearing in his presence;
- (4) to have the decision based solely on the evidence presented at the hearing;
- (5) to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
- (6) to have all findings made at the hearing be final, subject only to his right to appeal to the president and the governing board of the institution.

Sec. 51.244. Penalties.

A person who violates Section 51.239, 51.241, or 51.242 of this code is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$500 or imprisonment in the county jail for not more than six months, or both.

Form V.F.2.: Notice of Academic Integrity Review Committee (AIRC) Hearing



Chief Academic Officers should use this form to provide notice of the AIRC Hearing to his or her college president, the Respondent, the AIRC's college president, and the Office of the General Counsel. This notice should provide at least seven working days' notice before the hearing date and should be accompanied by Section V.F. policy and procedures.

Respondent Information

Name: _____ LSC ID No.: _____

Email: _____ LSC college: _____

Academic misconduct: _____

CAO Decision

I find that the Respondent engaged in academic misconduct and the appropriate sanction is **suspension** or **expulsion**. This decision represents my best judgment following a sufficient investigation into the reported academic misconduct.

CAO Printed Name	CAO Signature	Date
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A hearing before the Academic Integrity Review Committee to review this decision will be held at _____ [time] on _____ [date] at the following location: _____.

If you have a conflict with this hearing, please inform me within five working days so that we may reschedule the hearing.

Investigation Narrative

Summarize the investigation into the reported academic misconduct. Attach additional sheets as necessary. Attach copies of related Forms V.F.1. and other related written reports.

**Form V.F.3.: Academic Integrity
Review Committee (AIRC) Decision**



The AIRC should use this form to record their decision according to Section V.F. of the Policy Manual and the procedures adopted thereunder. This decision must be signed by at least three members of the AIRC who attended the hearing. The Chief Academic Officer's decision that preceded the hearing and the notice should be attached to this form. This form along with its attachments must be sent to the Chancellor and the Office of the General Counsel within five working days after the hearing ends.

Decision

Based on the evidence presented at the hearing and using a more-likely-than-not standard, we find that _____ (Respondent) **did** or **did not** engage in the following academic misconduct: _____

Recommended Sanction (if applicable)

We recommend that Respondent receive the following sanction for academic misconduct:

_____ Expulsion; _____ Suspension for up to _____ weeks from _____ college(s) or _____ all colleges, including centers, workforce, and online courses; or

_____ Other sanction: _____

This decision represents our best judgment regarding the subject matter of the hearing.

_____ Printed Name	_____ Signature	_____ Date

Form V.F.4.: Discipline Agreement



At any time, the College and Respondent may agree to impose certain sanctions if the Respondent admits having engaged in academic misconduct.

Respondent's Admission

I unconditionally admit to having engaged in the following academic misconduct:

Printed Name	LSC ID No.	Signature	Date
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Chief Academic Officer's Judgment

I impose the following sanction on the student for the admitted academic misconduct:

The imposed sanction represents my best judgment of what is an appropriate sanction, considering all applicable facts and circumstances.

Printed Name	Signature	Date
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