

STUDENT CODES AND POLICIES

Note: The codes and policies found in this catalog section are subject to change without notice. All changes go into effect immediately and students are accountable for adhering to them. Revised, updated and changed policies and codes can be found at www.tvi.cc.nm.us.

As a student, you are an active and vital part of the TVI educational community; a community dedicated to protecting the freedom of individuals to inquire, study, evaluate, question, and gain new levels of knowledge and understanding. As with other communities, TVI has put specific policies and expectations in place that define acceptable behavior necessary to both protect individual freedoms and ensure responsible citizenship. As a member of the TVI community, it is your responsibility to understand, and adhere to, the codes and policies that govern and prescribe acceptable student behavior.

In this section, the Student Code of Conduct and other policies which establish expectations regarding student behavior are fully explained. Questions regarding this section of the catalog should be addressed to the Dean of Students.

STUDENT CODE OF CONDUCT 2001 - 2002

Through its academic offerings and support services, TVI provides the opportunity for learning. Taking advantage of the opportunity is the student's responsibility.

The Institute gives equal consideration to all applicants for admission. The appropriate facilities and services of TVI shall be available to enrolled students. Any student in good standing with TVI has the right to register for and attend any class for which he or she has met the prerequisites and placement requirements.

Students are expected to be fully acquainted with all published policies and procedures of TVI and will be held responsible for compliance with them. In addition to this catalog section, policies are published in the Student Handbook, in some department handbooks, especially in the Health Occupations Department, and in course syllabi.

I. INTRODUCTION

A. Purpose—The freedom of individuals to inquire, study, evaluate and gain new understanding and maturity is essential and must be protected against suppression. Dissent plays a vital part in the role of the Institute. However, freedoms cannot be protected or exercised in an Institute that lacks order and stability. Students at all Albuquerque Technical Vocational Institute (TVI) campuses and learning centers have an obligation to uphold the laws of the larger community of which they are part.

The intent of this Code is to ensure that students at TVI neither lose their rights nor escape the responsibility of citizenship. While the activities covered by the laws of the larger community and those covered by TVI's rules may overlap, it is important to note that the community's laws and TVI's rules operate independently and that they do not

substitute for each other. TVI may pursue enforcement of its own rules whether or not legal proceedings are under way or in prospect, and may use information from third-party sources (such as law enforcement agencies and the courts) to determine whether the Institute's rules have been broken. Membership in the TVI community does not exempt anyone from local, state or federal laws, but rather imposes the additional obligation to abide by all of TVI's regulations. It is the personal responsibility of every member of the campus community not only to protect his/her own rights, but to respect the rights of others and to behave in a manner conducive to learning and/or living in an educational environment.

Just as individuals within the community have a responsibility to adhere to a code of prescribed behavior, the institution assumes the obligation of clearly codifying and fairly enforcing same. TVI upholds the belief that those who do not conform to established standards set forth in this Code of Conduct must be held accountable for their actions. Therefore, the purpose of the Code of Conduct is to inform the student body of the rules and regulations that are essential to the normal operation of TVI.

B. Definition of Student – For the purpose of application of this Code of Conduct, "student" means any person enrolled or taking a course at TVI, which includes all campuses and all other TVI instructional locations. Any person who is not officially enrolled, admitted to or registered with TVI for a particular term but who is, has been or intends to be a student is considered a student. Students who violate the Code of Conduct can expect prompt and deliberate adjudication, whether or not they choose to be present or remain at TVI. Furthermore, if a decision has been made within the disciplinary process which impacts a person who is not currently enrolled, he/she still remains subject to the determination upon re-enrollment. Students are responsible for maintaining their current address with TVI. The address on record will be deemed the appropriate address for delivery of correspondence from the Office of Student Judicial Affairs (Dean of Students).

C. Students' Rights and Responsibilities – By enrolling at TVI, a student accepts responsibility for compliance with all local, state and federal laws and with TVI's regulations while retaining the rights guaranteed under the Constitutions of the United States and the state of New Mexico. A student or student organization alleged to have engaged in any misconduct shall have the right of due process and appeal as delineated in this Code. The Institute expects all students to show respect for the rights of others and for authority, to protect private and public property, to carry out contractual obligations and to take responsibility for their own actions and the actions of their guests.

D. Student Organizations – A student organization and its officers and members may be held collectively and individually responsible when violations of this Code by those associated with the organization occur and when such violations are authorized, encouraged, directed, tolerated, supported by or committed on behalf of the organization.

II. ADMINISTRATION OF DISCIPLINE

The responsibility of administering the discipline system is delegated by the president of TVI to the vice president for student services for non-academic discipline and to the vice president for instructional services for academic discipline. In turn, these officers may delegate authority to other groups or

individuals for handling violations of the Student Code of Conduct. All non-academic Student Code activities shall be monitored by the Dean of Students to ensure fairness and consistency. All discipline sanctions imposed Institute-wide will be reported to the Dean of Students for record-keeping purposes.

The Institute attempts to handle discipline matters at the lowest possible level by recognizing a variety of hearing officers. Each hearing officer is a TVI official who is an administrator, faculty member or staff member. Hearing officers adjudicate cases when violations are alleged. The hearing officer is authorized to exercise active control over the proceedings in order to elicit relevant information, to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

Disciplinary regulations at TVI are set forth in writing in order to give students general notice of prohibited conduct. These rules and regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. It is recognized by TVI that students are adults and are expected to obey the law and take personal responsibility for their conduct. A student is therefore subject to two sources of authority: civil-criminal authority and TVI's authority.

Violation of any municipal ordinance, law or regulation of the State of New Mexico or law or regulation of the United States which may cause harm or endangerment to self or others or somehow compromises the educational mission of the Institute may result in disciplinary action. The Institute does not normally take disciplinary action for off-campus violations, but it retains the right to act in special cases. Disciplinary action imposed by TVI may precede, and be in addition to, any penalty that might be imposed by an off-campus authority.

When charged with a violation, a student has a right to review the evidence against him or her, but this does not necessarily mean the right to confront a witness. Attorneys will be allowed to attend but may not participate in hearings. Charged students may decide what and how much information they will provide during a discipline hearing.

The procedures to be followed in matters of student misconduct are outlined in the following sections.

III. ACADEMIC DISHONESTY

Any student found to have committed plagiarism or academic cheating will be subject to the disciplinary process outlined in the *Academic Dishonesty and Minor Classroom Misconduct Process* found on page XX of this catalog.

IV. NON-ACADEMIC MISCONDUCT: ALL STUDENTS

A. Person and/or Groups Involved in Non-academic Discipline Cases

1. *Dean of Students*—The Dean of Students Office will dispose of any non-academic misconduct violations referred by the vice president for student services or other TVI officials, and also has responsibility for maintaining all student records relating to student non-academic misconduct. Within this capacity, the Dean of Students serves as a resource person for administrators, faculty, staff and students to promote consistency throughout the Institute community in adjudicating cases of student non-academic misconduct. The Dean of Students also can act as a hearing officer and may appoint other hearing officers.
2. *Hearing Committee*—The Dean of Students may hear discipline issues, may designate others to hear discipline issues, or may refer the issue to the TVI Hearing Committee. The committee hears non-academic misconduct issues referred to it by the Dean of Students. The committee shall be composed of TVI administrators, faculty members, and students appointed by the Dean of Students. The students will be selected from a pool of names recommended by the various student organizations of the Institute. Two

administrative and/or faculty members and one student member will be required to be present at each hearing.

3. *Associate Vice President for Student Services*—The Associate Vice President for Student Services will function as a judicial/hearing officer and will hear appeals as necessary.

B. What Constitutes Non-Academic Misconduct

The following constitute violations for which students and student organizations are subject to disciplinary action. These are not designed to be all-inclusive, but offer examples of the types of prohibited conduct:

DISRUPTION VIOLATIONS

1. Participation in an unauthorized campus demonstration which disrupts the normal operations of TVI and infringes on the rights of other members of the TVI community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
2. Unauthorized mass action, obstruction or disruption of classes or TVI events, removal or defacement of library or other TVI materials or properties, participation in commercially sponsored solicitation, behaviors that violate federal, state or local ordinances.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other TVI activities, including its public-service function on or off campus, or other authorized non-TVI activities, when the act occurs on TVI premises.
4. Any violation of federal, state or local law if such directly affects TVI's pursuit of its proper educational purpose and only to the extent such violations are not covered by the standards of conduct and only where a specific provision of statute or ordinance is charged in the complaint.
5. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following: any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities; interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities; or any obstruction or delay of a campus security officer, fire fighter or any institution official in the performance of his or her duty.
6. Obstruction of the free flow of pedestrian or vehicular traffic on TVI premises or at TVI sponsored or supervised functions.

PERSON VIOLATIONS

1. Actual or threatened physical injury to any person (including self) on TVI owned or controlled property or at a TVI sponsored or supervised function or conduct that endangers the health, safety or personal well being of a person.
2. Engaging in individual or group conduct that is violent (including sexual misconduct, attempted suicide or threats of either), abusive, indecent, unreasonably loud or similar disorderly conduct that infringes upon the privacy, rights or privileges of others or disturbs the peace or the orderly process of education on campus.
3. Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.
4. Harassment or abuse directed toward individuals or groups may include at least the following forms: the use or threat of physical violence, coercion, intimidation and verbal

harassment and abuse. Harassment and abuse may be discriminatory. Although all forms of harassment and abuse—both discriminatory and non-discriminatory—are equally prohibited, TVI's commitment to non-discrimination means that discriminatory harassment may be punished more severely than non-discriminatory forms of harassment.

5. Sexual abuse, including but not limited to sexual harassment, coercion and threats or use of force.
6. Any actual or threatened non-consensual sexual act.
7. Harassment or acts of insensitivity or intolerance toward individuals/groups, including groups defined by race, creed, national origin, disability, sexual orientation and veteran status.
8. Verbal or written abuse, according to accepted court decisions, which is likely to cause another person humiliation, stress, psychological harm or which is harassing in nature.
9. Public display of literature, films, pictures or other material that, according to accepted court decision, depicts or describes sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

PROPERTY VIOLATIONS

1. Attempted or actual theft of and or damage to property of TVI or property of a member of the TVI community or other personal or public property.
2. Any graffiti or other act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library material and/or safety devices, walls, floors and ceilings.

FALSEHOODS/IDENTIFICATION VIOLATIONS

1. Forgery, counterfeiting, alterations or misuse of any TVI record, document or identification card.
2. Knowingly furnishing false information to TVI personnel or member of any hearing board acting in performance of their duties or the failure to provide TVI personnel with adequate information upon request.
3. Making a false report concerning a fire, bomb or other emergency.
4. Failure to possess at all times valid identification and/or failure to present ID to TVI officials upon proper request. Failure to comply with directions of TVI officials, faculty, staff or law enforcement officer acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
5. Intentionally and falsely accusing a TVI employee or another student of a wrongdoing.

SAFETY VIOLATIONS

1. Unauthorized use, possession or storage of any weapon or explosive (including fireworks) on TVI premises or at TVI sponsored activities.
2. Tampering with fire extinguishers, fire alarm boxes or smoke or heat detectors anywhere on TVI property.
3. Creating a fire, safety or health hazard.
4. Ejecting any objects from windows, roofs or balconies of TVI buildings.
5. Students are not permitted on the roofs of TVI buildings.

COMPUTER VIOLATIONS

1. Unauthorized entry into or alteration of any TVI computer records or violation of the TVI Technology Use Policy.
2. Violation of the New Mexico Computer Crimes Act, including intentional and unauthorized access, alteration, damage, copying or destruction of any computer system or data.

3. Theft or abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member or TVI official.
 - e. Use of computing facilities to send obscene or abusive or threatening messages.
 - f. Use of computing facilities to interfere with normal operation of the TVI computing system.

ENTRY/USE VIOLATIONS

1. Entry into or use of any building, facility or room or other TVI property or grounds without authorized approval. This also includes the unauthorized possession or use of TVI keys, lock combinations or other access codes.
2. Entering or attempting to enter any social event or other event without proper credentials for admission (e.g., ticket, identification card or invitation).
3. Unauthorized use of TVI telephones for long-distance calls.

LEGAL VIOLATIONS

1. Unlawful possession, use, distribution or sale of any narcotic or dangerous drug as defined by the statutes of the state of New Mexico.
2. Violation of federal, state or local law on TVI premises or at TVI sponsored or supervised activities.
3. Possession or consumption of alcoholic beverages in contradiction of state law and/or TVI policy.
4. The violation of local, state or federal criminal statutes shall be in violation of this code, whether or not such violation is prosecuted by public officials. TVI may refer such violations to appropriate law enforcement agents.
5. The use or possession of equipment, products or material used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
6. Participation in illegal gambling activities on TVI owned or controlled property or at a function identified with TVI.
7. Embezzling, defrauding or procuring any money, goods or services under false pretenses.

FINANCIAL VIOLATIONS

1. Failure to make satisfactory settlement for any debts to TVI.
2. Issuing a check on campus knowing that it will not be honored when presented for payment.

GENERAL VIOLATIONS

1. Violation of published TVI policies, rules or regulations.
2. Soliciting or selling in violation of the solicitation policy.
3. Having an animal on campus in violation of TVI policy.
4. Dispersing litter in any form onto the grounds or facilities of the campus.
5. Unauthorized use of cell phones, pagers and other electronic equipment in classrooms and laboratories.
6. Unauthorized use of sirens, loudspeakers and other sound amplification equipment.
7. The use of rollerblades or skateboards on TVI property.
8. Smoking inside TVI buildings.
9. Parking bicycles outside of designated areas.
10. Drinking and eating in classrooms, laboratories and libraries.
11. Bringing children to classes, labs or other instructional activities or to judicial affairs hearings.

JUDICIAL AFFAIRS VIOLATIONS

Abuse of the judicial system, including but not limited to:

- a. Failure to obey the summons of a judicial body or TVI official.
- b. Falsification, distortion or misrepresentation of information before a judicial body.
- c. Disruption or interference with the orderly conduct of a judicial proceeding.
- d. Institution of a judicial proceeding knowingly without cause.
- e. Attempting to discourage an individual's proper participation in or use of the judicial system.
- f. Attempting to influence the impartiality of a member of a judicial body (including witnesses) prior to and/or during the course of the judicial proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during and/or after a judicial proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

C. Non-academic Discipline Process

All alleged violations of non-academic rules and regulations contained herein will be referred to the Dean of Students' Office or other hearing officers (as appropriate). Any charge should be submitted as soon as possible. The following procedures will apply:

1. As a result of an investigation and/or conference with a student or organization representative, one of the following actions may be taken:
 - a. The allegation may be dismissed as unfounded;
 - b. The allegation may be dismissed for lack of a preponderance of the evidence;
 - c. The student or organization representative may admit responsibility for violating the Code of Conduct and a sanction will be imposed; or
 - d. The Dean of Students or a Hearing Committee will deem the student responsible for Code of Conduct violations, based on a preponderance of the evidence, and a sanction will be imposed.
2. The student or organization wishing to appeal the decision of the Dean of Students or Hearing Committee may do so in writing to the next higher level of authority within the disciplinary system or to their designee. The accused must always be informed of the next level of appeal by the Dean of Students or designee. An appeal by the accused must be presented in writing to the Dean of Students Office no later than three working days after notification of the decision. The final level of appeal for all non-academic misconduct is the Associate Vice President for Student Services.

D. Non-Academic Discipline Appeal Process

Students receiving a discipline decision from the Dean of Students or a Hearing Committee have the right to request an appeal. If the criteria to determine whether the issue warrants additional consideration are met, the Associate Vice President of Student Services (or designee) will hear the appeal. The following points apply to all discipline-related appeals:

1. The appeal must be made in writing to the Associate Vice President of Student Services within the specified period of time and must include the following:
 - a. The name of the individual or organization making the appeal.

- b. The action that is being appealed and the date the action took place.
 - c. The grounds for the appeal.
2. The appeal must be based on one or more of the following grounds:
 - a. Procedural or prejudicial error was committed.
 - b. The finding of facts contained in the decision included inaccurate information.
 - c. Specific information presented at the hearing/discipline meeting is objectionable. The reason for the objection must be stated (i.e., why specific evidence should not be considered).
 - d. Information not offered during the hearing/discipline meeting is now available. The reason why the information was not offered during the original hearing/discipline meeting must be stated.
 - e. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated.
3. Upon review of the appeal, the Associate Vice President of Student Services (or designee) may deny the appeal or uphold and remand the appeal to the Dean of Students for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s). Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the most recent official hearing and supporting documents. In the event of a remand of appeal, a written rationale will be provided by the Associate Vice President of Student Services (or designee) and should be in accordance with one or more of the legitimate grounds for appeal as detailed above.
4. A review of the sanction(s) in a non-academic discipline process may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the sanction may remain as originally determined, be reduced, but may not be increased.

V. DISCIPLINARY ACTIONS AND SANCTIONS

- A. The following list is not designed to be all inclusive, but offers examples of the more severe sanctions that may be imposed upon an individual student for infraction of regulations.
 1. *Disciplinary Probation*—This sanction is an official warning that the student's conduct is in violation of TVI regulations or local, state and/or federal laws. Students placed on disciplinary probation are deemed to be not in good standing with TVI. The duration of the probationary period, and conditions imposed, shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances and at the discretion of the hearing officer(s), additional stipulations may be enforced. These additional stipulations may be, but are not limited to, withholding of transcript or degree; suspension of rights and privileges; suspension of eligibility to participate in official extracurricular activities; restitution; and referral for counseling. During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further action. This action may include, but is not limited to, extension of the probationary period, the addition of other restrictions or conditions to the probationary agreement, suspension, dismissal, expulsion and notation on the student's transcript.

A student who has been placed on indefinite disciplinary probation and/or whose probation has been indefinitely noted on the transcript may petition to have

the probation lifted and/or the notation removed from the transcript. This petition will not be acceptable if submitted sooner than one calendar year from the date the probation began. Students must petition through the Dean of Students Office. The Dean of Students or the TVI Discipline Committee reviews the petition and makes a recommendation to the Vice President for Student Services or designee, whose decision is final.

2. **Disciplinary Suspension**—Disciplinary suspension is the disenrollment of a student from TVI for a defined period of time. Suspensions will last a minimum of one full term. Students may reenter TVI at the conclusion of the suspension. A notation of a suspension will be made on the student's transcript. The notation may be removed in the same manner as stated in IV. A. 1., Disciplinary Probation, following the expiration date of the suspension.
3. **Dismissal**—Dismissal is the disenrollment of a student for an indefinite period of time and includes a "minimum timeframe." In most cases the minimum timeframe is one year, which means the student may not petition to reenter TVI for at least one year. Extended minimum timeframes may also be defined. Students seeking to reenter TVI after completion of the minimum timeframe may do so only by consent of the Vice President of Student Services. Requests for reentry must be submitted in writing.
4. **Expulsion**—Expulsion is the disenrollment of a student whereby the student is not eligible for readmission to TVI. A permanent notation of expulsion will be placed on the student's transcript.

B. Interim Suspension—In certain circumstances, the Dean of Students or designee may impose a suspension prior to the hearing. In such cases, all attempts will be made to schedule the hearing with the Dean of Students or a Hearing Committee within five (5) working days of the interim suspension.

1. Interim suspension may be imposed only 1) to ensure the safety and well-being of members of the TVI community or preservation of TVI property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) if the student poses a definite threat of disruption to or interference with the normal operations of TVI.
2. During the interim suspension, students shall be denied access to the campus (including classes) and/or all other TVI activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.

C. Student Organization Sanctions

The following are possible sanctions that may be imposed upon a student organization for infraction of regulations:

1. **Disciplinary Probation**—This sanction is an official warning that the organization's conduct is in violation of TVI regulations or local, state and/or federal laws. Organizations placed on disciplinary probation are deemed to be not in good standing with TVI. The duration of the probationary period and conditions imposed shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances, and at the discretion of the Dean of Students, additional stipulations may be enforced. These additional stipulations may be, but are not limited to, suspension of rights and privileges, suspension of eligibility to participate in official extracurricular activities and restitution for damages.

During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further action. This action may include, but is not limited to, extension of the probationary period, the addition of other restrictions or conditions to the probationary agreement or suspension or termination of TVI recognition.

The organization may return to a status of good standing with TVI at the conclusion of the probationary period, assuming all conditions have been satisfied, and upon gaining approval from the Vice President for Student Services.

2. **Suspension of TVI Recognition**—This sanction serves as notification to the organization that its conduct is in violation of TVI's regulations or local, state and/or federal laws and that its charter with TVI, along with all privileges afforded a recognized student organization, is being withdrawn for a specified period of time. The suspension will last a minimum of one full calendar year and will take effect immediately upon notification. As with disciplinary probation, additional conditions may be attached and further disciplinary action may result if conditions are not met.
Reinstatement of an organization's charter can only be granted by the vice president for student services after the period of suspension when all conditions of the suspension have been met.
3. **Termination of TVI Recognition**—This sanction serves as notification to the organization that its conduct is in violation of TVI's regulations or local, state and/or federal laws and that its charter with the Institute, along with all privileges afforded a recognized student organization, is being withdrawn immediately. The organization is not eligible for reinstatement of its charter for a minimum of five years. Reinstatement of an organization's charter can only be granted by the vice president for student services.

VI. INTERPRETATION

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or his/her designee for final determination.

VII. AMENDMENTS AND/OR REVISION TO THE CODE OF CONDUCT

Recommendations for changes related to the non-academic discipline process will be referred to the Dean of Students and the non-academic Discipline Committee through the Dean of Students Office. The Dean of Students reviews the Code of Conduct as needed and recommends changes to the Vice President for Student Services.

VIII. STATEMENT OF LIMITATIONS

No student or student organization shall be subject to disciplinary procedures due to alleged violation of TVI's regulations unless procedures are initiated within one year from the time the alleged misconduct occurred or was made known to the Vice President for Student Services, whichever occurs later. The one-year period of limitation, as referred here, will apply only while the student is enrolled at TVI. If the disciplinary procedures cannot be completed for reasons beyond the control of TVI, a time limitation will not be imposed.

POLICIES

TECHNOLOGY USE POLICY AND WORLD WIDE WEB POLICY

I. PURPOSE

- A. Albuquerque TVI owns and operates a variety of computer, network and telecommunication systems which are provided for the use of TVI's students, faculty, staff, and the public in support of the programs of the Institute and are to be used for instruction, learning, research, and administrative use only. All persons using these systems are responsible for seeing that these systems are used in an effective, efficient, ethical, and lawful manner.
- B. This policy as well as additional guidelines for the use of individual systems establishes rules and prohibitions that define acceptable use of these systems. Unacceptable use is prohibited, and violation of these policies is grounds for loss of privileges, as well as disciplinary action as outlined in the TVI Employee Handbook, Student Handbook, and Supervisors' Procedure Manual and possible legal sanctions under Federal, State, and local laws.

II. AGREEMENT TO COMPLY WITH POLICY

- A. All users of TVI's systems must read, understand, and comply with the policies outlined in this document, as well as any additional guidelines established by the administrators of each system. BY USING ANY OF THESE SYSTEMS, USERS AGREE THAT THEY WILL COMPLY WITH THESE POLICIES.

III. RIGHTS

- A. These systems, facilities, and accounts are owned and operated by TVI. TVI reserves all rights, including termination of service without notice, to the technology resources which it owns and operates. These procedures shall not be construed as a waiver of any rights of TVI, nor shall they conflict with applicable law. Users may have rights that are protected by Federal, State, and local laws.

IV. PRIVILEGES

- A. Access to TVI's systems is a privilege, not a right. Access to any system may be denied or revoked at any time for any reason without notice. Access and privileges on TVI systems are assigned and managed by the administrators of specific individual systems. Eligible individuals may become authorized users of a system and be granted appropriate access and privileges by following the approval steps for that system.
- B. Users may not, under any circumstances, transfer or confer these privileges to other individuals. Any system account assigned to an individual shall not be used by others. The authorized user is responsible for the proper use of the system, including password protection.

V. RESPONSIBILITIES

- A. The system administrator of each system may set guidelines, consistent with this policy, in which users must conduct their activities. User agrees to become familiar with and to abide by these individual system guidelines and the acceptable use guidelines for whichever outside networks or services they may access through TVI's systems.
- B. Any user who uses TVI's systems to make malicious, intimidating, hostile, harassing, or defamatory remarks, shall bear full responsibility for his or her actions. Further, by using

these systems, user agrees that individuals who transmit such remarks shall bear sole responsibility for their actions. User also agrees that TVI's role in managing these systems is only to transmit the information, and that they will not consider such transmission an endorsement by TVI. User acknowledges that TVI cannot be responsible for monitoring transmissions for compliance with these policies or law.

- C. Many of TVI's systems provide access to outside networks, both public and private, which furnish electronic mail, information services, bulletin boards, conferences, etc. Users are advised that they may encounter material which may be considered offensive or objectionable in nature or content. Users are further advised that TVI is not responsible for the contents of any of these outside networks.
- D. If graphic material is being viewed on a screen visible to others and there is a complaint that the material is offensive or considered harassing, user may be asked and will cooperate in resolving the complaint by either turning off the graphic or moving to another less visible location.
- E. In appropriate circumstances, if both users are employees, charges may be made under TVI's Sexual Harassment Policy. Complaints should be directed to the affirmative action officer, located in the Human Resources Department. If one or both individuals is a student, complaints should be directed to one of the conflict/sexual harassment advisors located at all TVI campuses. The Employee Handbook and Student Handbook contain details on filing a charge. Copies of these documents are available from a number of offices including the Human Resources Department and Admissions & Records.
- F. The user agrees to follow proper etiquette on outside networks. Documents regarding etiquette are available through system administrators and from specific individual networks.
- G. The user agrees to never attempt to transmit, or cause to be transmitted, any message in which the origination is deliberately misleading (except for those outside services which may conceal identities as part of the service).
- H. The user agrees that, in the unlikely event that someone does transmit, or cause to be transmitted, a message that is inconsistent with an environment conducive to learning or with a misleading origination, the person who performed the transmission will be solely accountable for the message, not TVI, which is acting solely as the information carrier.
- I. The user agrees never to use a system to perform an illegal act. If during an inspection there is evidence that an applicable law may have been violated, all information will be referred to the proper authorities.
- J. Any attempt to increase the level of access to which a user is authorized, or deprive other authorized users of resources or access to any TVI system shall be regarded as malicious, and may result in a loss of system privileges.
- K. An individual home page must conform to TVI's Web Policy. A copy is available on TVI's home page or can be obtained from Learning Resources. All questions regarding the Web Policy should be referred to webmaster@tvi.cc.nm.us.

VI. ACCOUNTS

- A. An account assigned to an individual must not be used by others without written permission from the system administrator. Each individual is responsible for the proper use of their own account. This includes, but is not limited to, proper password protection and not leaving unattended any device you are logged into.
- B. TVI's systems are not secure, nor are they connected to a secure network. While attempts have been made to ensure the privacy of all user accounts, there is no guarantee or representation that any account, electronic mail, or voice mail is private.

VII. CONFIDENTIALITY

- A. It is the general policy of TVI that programs, files, and messages are to remain confidential and are not to be disclosed to third parties without the user's written permission. However, user grants specific permission and TVI reserves the right to access all information stored on its systems. Accounts will not be granted without such permission and will be locked if such permission is withdrawn.
- B. In the event of a routine maintenance-related inspection, user will be notified where practical in writing before any inspection is performed. In the case of an emergency, owner will be notified in writing within three business days following inspection.
- C. Despite TVI's policy of confidentiality as noted above, TVI does not represent that the accounts, voice mail or electronic mail systems are secure.

VIII. SYSTEM USAGE

- A. Use of electronic communication facilities (such as e-mail or auidix) to send fraudulent, harassing, indecent, profane, intimidating, or other unlawful messages is not conducive to the learning environment and is prohibited. Specifically, but without limitation, transmission of messages or images that may constitute intimidating, hostile, or offensive material on the basis of sex, race, color, religion, national origin, or disability are prohibited. Also electronic communication facilities are not to be used for the transmission of commercial or personal advertisements, solicitations, promotions, destructive programs, or any other unauthorized use.

IX. SYSTEM PERFORMANCE

- A. No user shall deliberately attempt to degrade the performance of any system including network resources. Any process that is consuming excessive system resources or is degrading overall system response may be terminated or have its priority altered without notice.

X. UNAUTHORIZED ACCESS

- A. Knowledge of passwords or of loopholes in systems shall not be used to damage resources, obtain extra resources, take resources from another user, gain or attempt to gain unauthorized access to another user's account or file space or otherwise make use of resources either on or off campus for which proper authorization has not been given.

XI. COPYRIGHT

- A. Any information, including text, software, graphics, and photographs, that is copyrighted, shall not be copied into, from, or by, or placed on any TVI facility or system, except in accordance with the license. Software may only be copied in order to make back up copies, if so licensed. The number of copies and distribution of copies may not be Done in such a way that the number of simultaneous users exceeds the total number of licensed copies unless otherwise stipulated in the purchase agreement.
- B. A person who makes an unauthorized copy may be liable to the owner for actual damages, profits, court costs, and attorney fees. In addition, in certain cases the user may be criminally prosecuted and subject to a fine and imprisonment.

XII. COMMERCIAL USE

- A. Any commercial use of TVI's systems, unless performed by an approved TVI organization is strictly forbidden. This includes conducting business as an agent or owner of either a business or non-profit organization or any advertising of personal services or products. Personal use of systems such as the telephone, electronic mail, and the Internet are be kept to a minimum. Should such use become disruptive of the system or of TVI's operations, access may be terminated without notice.

XIII. VIOLATIONS

- A. Upon receipt of a complaint or if a user is suspected of violating this policy, all relevant information will be turned over to either the appropriate supervisor or the Student Affairs Office for investigation and possible disciplinary action. Any suspected violation or complaint can be confidentially reported to the appropriate system administrator or to the CIT Helpdesk (224.4357).

XIV. RELEASE OF INFORMATION

- A. TVI recognizes the privacy rights of individuals, as guaranteed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and Governing Board Policy. User agrees to follow TVI's FERPA guidelines and refer any requests for public information from outside TVI to the office of the Vice President for Administration.
- B. If there is evidence of a violation of this or any other TVI policy or applicable law, written authorization may be given from a Vice President, Campus Dean, Site Coordinator, or his/her designee to do an inspection. Following the inspection, user will be notified in writing within three business days why an inspection has taken place. User, when requested, will cooperate fully with investigation.

XV. TERMINATION

- A. Upon notification of termination of employment, all faculty and staff accounts are locked. Information contained in each account will be kept for a period of no less than thirty days. At the end of that period, the information may be retained or deleted at the Institute's discretion. Any faculty or staff member wanting access to information in his/her locked account, must make a request in writing to the appropriate system administrator.
- B. Student accounts are kept active until the beginning of the next term. At that time, if the user is no longer a registered student, his/her account is locked. Information contained in the account will be kept until the end of that term then either retained or deleted at the Institute's discretion. Any student wanting access to information in his/her locked account, must make a request in writing to the appropriate system administrator.

WEB POLICY

I. PURPOSE

TVI's presence on the World Wide Web is an increasingly important part of its image. Resources for creating home pages have been provided by the Institute for educational and institutional purposes. Home pages created by departments or individuals (and any pages linked to them) represent the Institute to current and potential students, employers, taxpayers and others. These pages must, therefore, meet high standards.

Web pages created at TVI must conform to applicable sections of the TVI Technology Use Policy, the Student Handbook, the Employee Handbook, the Publications Policy and other relevant policies. Familiarity with these policies is the Web user's responsibility.

II. DISCLAIMER

- A. All department pages must include a link to the main TVI home page which contains the standard TVI disclaimer (see text below). All pages created by individuals must be linked to the TVI disclaimer, either via a link to a department page or a link to the main TVI page, and must have the date of last revision and the electronic mail address of the person responsible for the page.

- B. TVI Community College World Wide Web Content Disclaimer. TVI's Web pages are a work in progress. Although we strive for accuracy, we cannot guarantee it. The views expressed on these pages do not necessarily represent the policies of Albuquerque Technical Vocational Institute. The Institute does not assume liability for the accuracy or usefulness of information on these pages. TVI is not responsible for the contents of any off-site pages referenced. All parties providing information and links on the TVI Web warrant that the copying, distribution and use of materials therein will not violate any other party's proprietary rights.
- C. TVI Web pages are maintained by various departments. Coordination and development of TVI Web resources have been assigned to the Learning Resources Department, the Computer Information Technology Department and the Public Information Office. For more information, contact webmaster@tvi.cc.nm.us or call 505-224-3299.

111. STANDARDS

- A. Minimum standards for Web pages created at TVI include (but are not limited to):
1. All pages must be maintained and updated as needed.
 2. Text must meet high standards of accuracy and literacy.
 3. Where applicable, information must conform to that in the TVI Catalog.
- B. Web pages should not contain:
- legally restricted or confidential material;
 - material that is obscene or defamatory according to legal standards;
 - commercial and personal advertising of services or products (except for approved student organizations).
- C. The TVI logo must be used according to standards set by the Public Information Office.
- D. The webmaster may establish additional standards consistent with this policy and the Technology Use Policy.

SUBSTANCE ABUSE

TVI has committed its resources to creating an environment that fosters learning. Such an environment depends in part on the physical, emotional and social well-being of TVI students and staff. Abuse of alcohol and drugs impairs work and academic performance, poses a threat to the health and safety of the TVI community and undermines the learning environment. TVI is committed not only to maintaining a drug-free campus but also to helping students and staff solve drug- and alcohol-related problems.

TVI POLICY ON ILLEGAL DRUGS AND ALCOHOL

This policy covers all property and facilities owned, used, leased or controlled by TVI and any other site where TVI business is being conducted, including motor vehicles.

Controlled substances are defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. 812, and implementing regulations, 21 CFR 1308.11-08.15. Controlled substances include, but are not limited to, marijuana, hashish, cocaine (including crack), amphetamines, heroin, PCP, hallucinogens, anabolic steroids, certain prescription drugs and certain controlled substance analogs. Possession, use, sale or trafficking of controlled substances and glues is prohibited and punishable as a crime.

Illegal uses of alcohol include, but are not limited to, serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence. Possession of alcohol is prohibited on all TVI properties and in TVI vehicles.

This policy is not intended to supersede or negate any existing policies on substance abuse, student or employee discipline or any additional requirements imposed on TVI or its students, instructors or staff by federal or state law.

The unlawful manufacture, distribution, dispensing, possession or use of controlled substances or alcohol on TVI property or as part of any of its activities by any member of the TVI community is strictly prohibited.

As a condition of continued registration and enrollment, all students shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion.

Students and employees in the Truck Driving program are subject to random drug testing under federal law.

TVI's response to any violation of this policy may include, as a total or partial alternative to disciplinary action, a requirement that the employee or student participate satisfactorily in an approved substance-abuse treatment or rehabilitation program as a condition of continued employment or registration/enrollment. Any employee engaged in the performance of work under a federal contract or grant is required, as a condition of employment, to notify his/her supervisor within five days if he/she is convicted of a criminal drug statute violation occurring in the workplace. The supervisor shall notify the TVI administration. Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

In recognition of the dangers of substance abuse in the workplace, TVI shall maintain alcohol and drug-free awareness programs to inform members of the campus community about issues and risks of substance abuse. Counseling and treatment referral resources are listed below.

LEGAL SANCTIONS AND HEALTH RISKS

Penalties for even the most minor violations of the New Mexico Liquor Control Act can include fines of up to \$300, confiscation of property and imprisonment for up to seven months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

Penalties for illegal drug use can include significant fines and imprisonment. Penalties for illegal sale of drugs are greater and may include property confiscation.

Alternative penalties for illegal drug and alcohol use may also include mandatory community service.

Violation of laws by a foreign national may result in deportation.

Driving or using machinery after drinking or using drugs creates the risk of injury or even death for the user and others. Penalties include criminal charges, up to and including homicide, as well as loss of the driver's license and impoundment of the vehicle.

In drug-related cases a court may permanently suspend eligibility for federal benefits, including student financial aid. Moreover, a criminal record can seriously hurt education and career opportunities.

Excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, pathological changes in the liver, brain, heart and muscle which can lead to disability and death, as well as addiction, birth defects, shortened life span, stomach ulcers, phlebitis, varicose veins and other health problems.

Alcohol and drugs are also factors in homicide, assaults, rapes, suicides and family and date violence.

Alcohol is significantly involved in all types of accidents: motor vehicle, home, industrial and recreational.

Unintended pregnancies and sexually transmitted diseases are often associated with alcohol and other drug abuse. Intravenous (IV) drug use is a high-risk factor for AIDS, which at present is a fatal disease.

Substance abuse negatively impacts on personal, work and academic relationships.

CAMPUS AND COMMUNITY RESOURCES

Any member of the TVI community who is concerned about a substance-abuse problem—their own or a colleague's—can receive free, confidential assistance at the Counseling Center. A clinical therapist is available to perform a primary assessment on a case-by-case basis.

TVI employees will be referred for assistance through the Employee Assistance Program. Students may receive counseling on

campus or be referred to the most appropriate community agency.

Other community resources include:

AGORA, UNM Crisis Center	277-3013
Al-Anon Information Service	262-2177
Alcoholics Anonymous	266-1900
All Indian Pueblo Council Alcoholism Program	884-3820 ext. 25
Narcotics Anonymous	260-9889
National Council on Alcoholism & Drug Dependence 256-8300	
Rape Crisis Center	266-7711
UNM Center for Alcoholism, Substance Abuse and Addictions (CASAA)	768-0150
UNM Mental Health Center Psychiatric Crisis Unit	272-2920 or 272-2800
Suicide Crisis-Emergency Telephone	247-1121
Vet Center Readjustment Counseling	766-5900

SEXUAL HARASSMENT

Sexual harassment constitutes an unacceptable and punishable offense at TVI.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, grade or other classroom experience;
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or learning environment.

Sexual harassment is distinguished from voluntary sexual relationships by the introduction of the elements of coercion and threat. Sexual harassment can involve a supervisor or employee and a student, or an instructor and a student, or two students.

The three most common factors in sexual harassment are:

- unwelcome or offensive behavior;
- one-sided versus mutual interest; and
- an offender in a position of authority over the victim.

Sexual harassment can be:

- as blatant as the offer of a promotion, a grade or other academic reward in return for sexual favors; or
- as subtle as constant efforts to change a professional or academic relationship into a personal and social one.

Sexual harassment can include (but is not limited to):

- persistent and offensive personal jokes and comments; or
- unwanted physical contact (touching, patting, bumping or pinching); or
- displaying sexually oriented pictures.

As a student, you can do a great deal on your own to prevent or stop sexual harassment. The signals or feedback you give to another person can be very important. You should examine your own behavior and the reactions you get from others. If you believe you are being sexually harassed:

- Say "no" and mean it. Make clear to the offender that the behavior is unacceptable to you.
- Speak directly. Say something like this: "I'd like to keep our relationship strictly academic (or professional)."
- Take action even if you are uncertain about whether sexual harassment is taking place.

WHERE TO GO FOR HELP

Students with questions or complaints about sexual harassment involving another student should contact the Dean of Students in the Main Campus Student Services Center, telephone 224-4342. Sexual harassment matters concerning a student and a TVI employee should be brought to the Human Resources Department, A Building, Main Campus, 224-4600.

RULES GOVERNING CLASSROOMS AND LABS

ACADEMIC INTEGRITY

Students are expected to conduct themselves at all times with the highest academic standards. Cheating, falsifying work or plagiarism will not be tolerated. Students committing these offenses are subject to penalty ranging from a "0" on the assignment or test, to an "F" for the course. Students with repeat offenses are subject to disciplinary action up to and including expulsion.

ACADEMIC DISHONESTY AND MINOR CLASSROOM MISCONDUCT PROCESS

Albuquerque Technical Vocational Institute (TVI) students are required to conform to the Student Code of Conduct and Academic Integrity Standards. However, situations that involve academic dishonesty or minor classroom misconduct may occur. Several examples of academic dishonesty and minor classroom misconduct may include but are not limited to the following:

Academic Dishonesty

- Dishonesty (e.g., cheating, plagiarism*) on quizzes, tests, and/or assignments
- Claiming ownership for work not done or work done by others
- Knowingly giving false information

Minor Classroom Misconduct

[minor misconduct that is troublesome, but does not violate the Student Code of Conduct]

- Student-to-student disagreements
- Interference with the academic work of other students

1. If an incident involving academic dishonesty or minor classroom misconduct occurs, the faculty member will meet with the student(s) and discuss the alleged incident. If the situation is not resolved, the faculty member may impose a sanction for the misconduct and will file a Student Incident Report (SIR) with the department dean or associate dean. If the student disagrees with the sanction, the student may appeal the decision by following steps 2 – 6 as appropriate below.
2. The student files a written appeal with a copy of the Student Incident Report to the department dean or associate dean within three (3) working days of meeting with the TVI faculty member.

3. The department conducts an appeal process according to department procedures. The department determines a resolution within ten (10) working days and notifies the student and the faculty member.
4. If the student is not satisfied with the department resolution, the student submits a written appeal to the Dean of Students within three (3) working days of receiving the department decision.
5. The Dean of Students reviews and investigates the appeal and recommends a decision to the Vice President for Instruction.
6. The Vice President for Instruction makes the final decision and notifies the student, the department, the faculty member, and the Dean of Students.

*Plagiarism includes, but is not limited to the use of paraphrase or indirect quotation of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

CHILDREN ON CAMPUS

Children (or other non-students) are not allowed to accompany adults to class. All children who are under age 15, and are on TVI's campus, must be accompanied by an adult at all times.

ELECTRONIC DEVICES

All cellular telephones, pagers and beepers must be turned off or switched to silent or vibration mode. Electronic entertainment devices are to be turned off and headphones removed.

DRESS

Students are expected to dress appropriately on campus at all times.