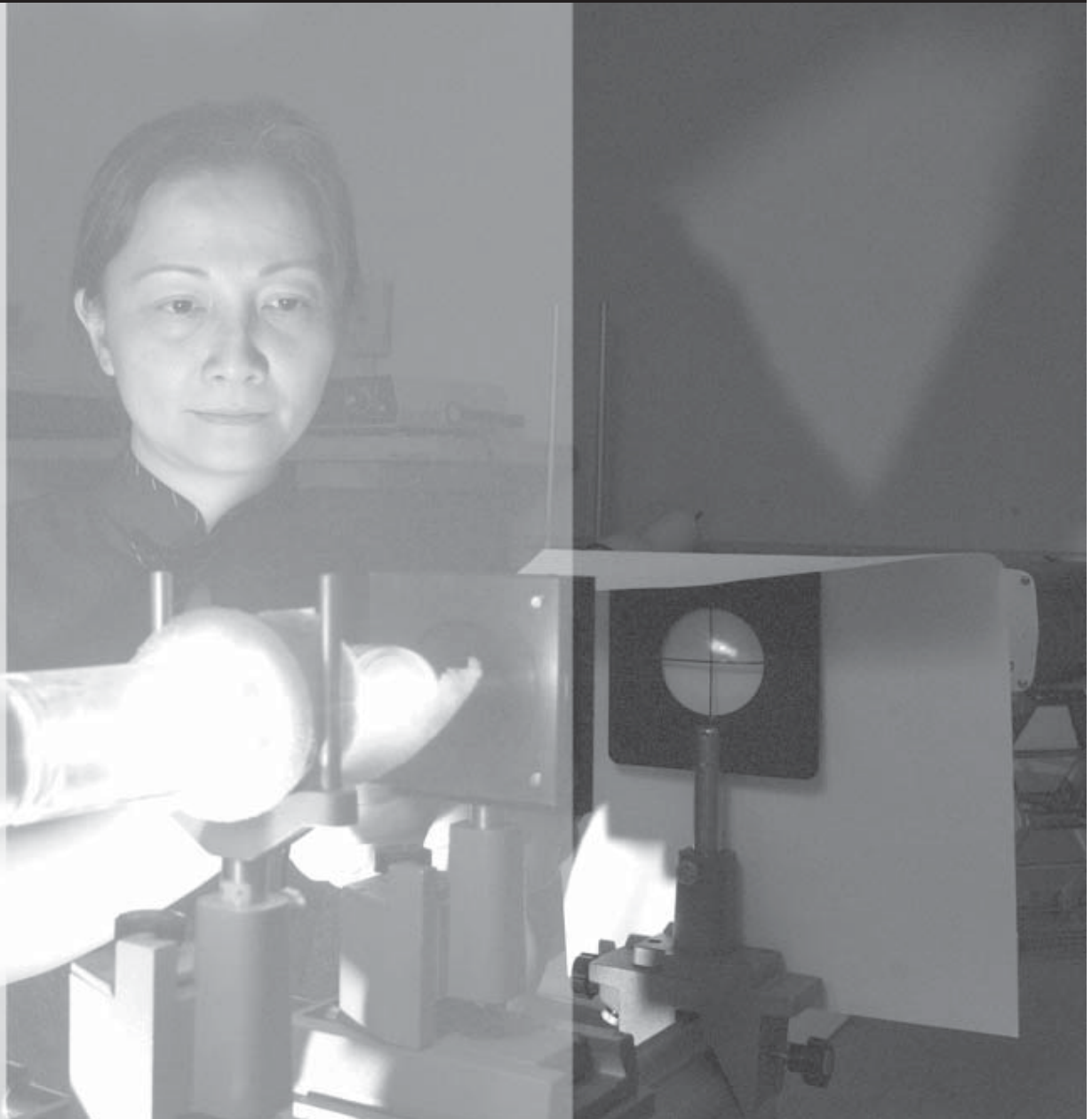


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Student Code of Conduct

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, policies are published in some department handbooks, especially in the Health Occupations Department, and in course syllabi. The most current version of the Code of Conduct and other policies can be found at TVI's website.

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, and any student organization recognized by TVI. 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.

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 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. For purposes of the interpretation and administration of the Code of Conduct, the term "student" shall also mean "student 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 the right to notice of the violation and an opportunity to be heard. For infractions where suspension, dismissal or expulsion may be imposed, a student will have additional rights as set forth in Section IV.C, below.

Charged students may decide what and how much information they will provide during a disciplinary conference or hearing. The procedures to be followed in matters of student misconduct are outlined in the following sections.

III. ACADEMIC DISHONESTY

Any student suspected of academic dishonesty will be subject to the investigative and disciplinary process outlined in the Academic Dishonesty Policy found on page 305 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 or may refer the issue to a TVI Hearing Committee. The committee hears non-academic misconduct issues referred to it by the Dean of Students. Two administrative and/or faculty members and one student member are required for each Hearing Committee.
3. **Associate Vice President for Student Services** – The Associate Vice President for Student Services will hear any appeals from decisions of the Dean of Students or a Hearing Committee.

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 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.
5. Obstruction of the free flow of pedestrian or vehicular traffic on TVI premises or at TVI sponsored or supervised functions.
6. Any violation of federal, state or local law not otherwise prohibited herein, if such directly affects TVI's educational function.

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, 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, 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.

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- Ejecting any objects from windows, roofs or balconies of TVI buildings.
- Students are not permitted on the roofs of TVI buildings.

Computer Violations

- Unauthorized entry into or alteration of any TVI computer records or violation of the TVI Technology Use Policy.
- Violation of the New Mexico Computer Crimes Act, including intentional and unauthorized access, alteration, damage, copying or destruction of any computer system or data.
- Theft or abuse of computer time, including but not limited to:
 - Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - Unauthorized transfer of a file.
 - Unauthorized use of another individual's identification and password.
 - Use of computing facilities to interfere with the work of another student, faculty member or TVI official.
 - Use of computing facilities to send obscene, abusive, or threatening messages.
 - Use of computing facilities to interfere with normal operation of the TVI computing system.

Entry/Use Violations

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

Legal Violations

- Unlawful possession, use, distribution or sale of any narcotic or dangerous drug as defined by the statutes of the state of New Mexico.
- Violation of federal, state or local law on TVI premises or at TVI sponsored or supervised activities.
- Possession or consumption of alcoholic beverages in contradiction of state law and/or TVI policy.
- 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.

- 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.
- Participation in illegal gambling activities on TVI owned or controlled property or at a function identified with TVI.
- Embezzling, defrauding or procuring any money, goods or services under false pretenses.

Financial Violations

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

General Violations

- Violation of published/posted TVI policies, rules or regulations.
- Soliciting or selling in violation of the solicitation policy.
- Having an animal on campus in violation of TVI policy.
- Dispersing litter in any form onto the grounds or facilities of the campus.
- Unauthorized use of cell phones, pagers and other electronic equipment in classrooms and laboratories.
- Unauthorized use of sirens, loudspeakers and other sound amplification equipment.
- The use of roller blades, skateboards, or scooters on TVI property.
- Smoking inside TVI buildings.
- Parking bicycles outside of designated areas.
- Drinking and eating in classrooms, laboratories and libraries.
- Bringing children to classes, labs or other instructional activities or to judicial affairs hearings.

Student Discipline Violations

Abuse of the student disciplinary system, including but not limited to:

- Failure to obey the summons of the Dean of Students, a disciplinary body, or other TVI official.
- Falsification, distortion or misrepresentation of information before a hearing officer or committee.
- Disruption or interference of the orderly conduct of a disciplinary proceeding.
- Initiation of a disciplinary proceeding knowingly without cause.
- Attempting to discourage an individual's proper participation in or use of the disciplinary system.

- Attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the course of the disciplinary proceeding.
- Harassment (verbal or physical) and/or intimidation of a member of a disciplinary body prior to, during and/or after a judicial proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.
- Influencing or attempting to influence another person to commit an abuse of the disciplinary 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. Any alleged violation should be reported as soon as possible after the violation occurs. Upon violation of any of the provisions of this Code of Conduct during class or other TVI activity, TVI faculty and staff may remove the student from the class or other TVI activity for the remainder of that class/activity period, and shall promptly notify the Dean of Students as to the action taken and the reason(s) therefore. Upon submission of the alleged violation to the Dean of Students' Office, the following procedures will apply.

- For behavior for which a sanction other than suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students or his/her representative and investigation by the Dean or representative (at his/her discretion), the Dean (or representative) will provide:
 - Oral or written notice of the charges against the student, and
 - An opportunity for the student to admit or deny the allegations in conference with the Dean or his/her representative. If the student denies the allegations, the student is entitled to an explanation of the evidence against the student and will be given an opportunity in the conference to rebut the charges.
 - As a result of the investigation and conference with the student, any of the following actions may be taken:
 - The charges may be dismissed as unfounded or for lack of evidence;
 - The student may admit responsibility for violating the Code of Conduct and a sanction will be imposed; or
 - The Dean of Students or representative will deem the student responsible for Code of Conduct violations, based on a preponderance of the evidence, and an appropriate sanction will be imposed.

2. For behavior for which suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students and after any investigation by the Dean or his/her representative, the Dean or representative will establish a hearing date to occur as soon as practicable, or within ten (10) days of imposition of any interim suspension, and will provide:
 - a. Written notice of the charges against the student;
 - b. Written notice of the date, time and place of hearing;
 - c. An opportunity for the student to personally participate in the hearing and to admit or deny the charges against the student.
If the student admits the charges, discipline will be imposed.
If the student denies the charges, the student will be entitled to:
 - i. An explanation of the evidence against the student;
 - ii. The right to question witnesses in a manner determined by the Dean of Students or the Hearing Committee;
 - iii. The right to examine, in advance of the hearing, documentation submitted relating to the charges;
 - iv. The right to present a defense at the hearing;
 - (a) The student may call his/her own witnesses and present relevant information or documentation;
 - (b) The student may have legal counsel, or other advisor, present at the hearing, but such counsel or advisor may not participate in the hearing.
 - v. A tape recording of the hearing shall be made. The tape recording is TVI property.
 - d. As a result of the investigation and hearing, one of the following actions may be taken:
 - i. The charges may be dismissed as unfounded;
 - ii. The student may admit responsibility for violating the Code of Conduct and appropriate sanctions may be imposed; or
 - iii. The Hearing Committee will deem the student responsible for Code of Conduct violations based upon a preponderance of the evidence and appropriate sanctions may be imposed.
 - e. The student will be notified of the discipline imposed, either orally following the hearing or sent in writing within five (5) working days of the hearing.

D. Non-Academic Discipline Appeal Process

Students receiving a discipline decision from the Dean of Students or a Hearing Committee may request an appeal. Any such request must be made in writing to the Associate Vice President of Student Services within three (3) working days after notification of the decision.

1. Contents of the Appeal Request.

The appeal request must include:

- a. The name of the individual/organization requesting the appeal;
- b. The disciplinary action being appealed and the date the disciplinary action took place;
- c. The grounds for the requested appeal. The appeal must be based on one or more of the following grounds:
 - i. Procedural or prejudicial error was committed. The specific errors alleged must be stated;
 - ii. The facts upon which the decision was based included inaccurate information. The inaccurate information appealed from must be stated;
 - iii. Specific information presented at the hearing/disciplinary conference is objectionable. The reason for the objection must be stated (i.e. why specific information should not have been considered);
 - iv. Information not offered at the hearing/disciplinary conference is now available. The reason why the information was not offered during the original hearing/disciplinary conference must be stated;
 - v. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated.

2. Decision on Appeal:

- a. Upon review of the appeal, the Associate Vice President of Student Services, or his/her designee, may take any of the following actions:
 - i. Deny the appeal request.
 - ii. Grant the appeal request and refer the matter to the Dean of Students for reopening of the hearing/conference to allow reconsideration of the original decision and/or the sanctions imposed. In the event of such referral, the Associate Vice President of Student Services (or his/her designee) will provide a written rationale for the referral, in accordance with one or more of the grounds for appeal detailed above.
- b. Except as required to explain the basis of new information, an appeal shall be limited to review of the tape recording of the most recent official hearing and supporting documents.

- c. Any review of the sanction(s) in a non-academic discipline process may not result in more severe sanction(s) for the accused student/organization. On review, the sanction may remain as originally determined or may be reduced.

V. DISCIPLINARY ACTIONS AND SANCTIONS

A. Student Sanctions

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 set by the Hearing Officer or Hearing Committee and 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 sanctions which will be more severe than like sanctions for students not on probation. 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. Most suspensions will last a minimum of one full term.

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However, the length of the suspension shall be at the discretion of the Hearing Committee. 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 V. 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. The length of the dismissal shall be at the discretion of the Hearing Committee. 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; an immediate, short-term suspension pending further investigation and hearing. In such cases, the Dean or representative will establish a hearing date to occur as soon as practicable, and in any event within ten (10) working days of imposition of any interim suspension.

- Interim suspension may be imposed only 1) to protect the safety and well-being of members of the TVI community or preservation of TVI property; 2) to protect 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.
- During the interim suspension, the student 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 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 sanctions which will be more severe than the sanctions for student organizations not on probation. These sanctions may include, but are 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/charter.

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 Charter or Recognition** – This sanction may be imposed when the organization's conduct is in violation of TVI's regulations or local, state and/or federal laws. Pursuant to this sanction, the organization's charter or recognition with TVI, along with all privileges afforded a recognized student organization, is withdrawn for a specified period of time, pursuant to the procedure outlined in Section IV.C, supra. Any suspension of charter or recognition imposed will last a minimum of one full calendar year. As with disciplinary probation, additional conditions may be attached and further disciplinary action may result if conditions are not met. Reinstatement of any organization's charter/recognition can only be granted by the Vice President of Student Services after the period of suspension when all conditions of the suspension have been met.
- 3. Termination of TVI Charter Recognition** – This sanction may be imposed when the organization's conduct is deemed to be in violation of TVI's regulations or local, state and/or federal laws, pursuant to the procedures outlined in Section IV.C, supra. This sanction will result in the immediate withdrawal of the organization's charter or recognition with TVI, along with all privileges afforded a chartered/recognized student organization. The organization will not be eligible for reinstatement of its charter or recognition for a

minimum of five (5) years. Reinstatement of an organization's charter or recognition may only be granted by the Vice President of 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. 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 Dean of Students, 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.

Academic Dishonesty Policy

I. INTRODUCTION

As an institute of higher learning, Albuquerque TVI Community College is concerned that all participants in the learning environment conduct themselves with a high level of academic honesty and integrity. It is expected that students will conduct themselves at all times in a manner that supports and affirms these fundamental values.

As much as it is the students' responsibility to conduct themselves according to accepted values of honesty and integrity, so too is it the institution's responsibility to provide a fair and equitable process for addressing behavior that falls outside of what has been defined as acceptable. Accordingly, this policy has been developed in order to have a fair and consistent process for dealing with issues of academic dishonesty should they arise. The policy identifies examples of behaviors or actions that might be classified as academic dishonesty and articulates the procedural steps that are followed should academic dishonesty be alleged.

II. DEFINITIONS

Academic Dishonesty – Academic Dishonesty is any behavior on the part of a student that results in that student's or any other students' giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own. Such acts include, but are not limited to:

Cheating – Use of material, information, or study aids not permitted by the instructor during tests, quizzes, or other graded in-class activities. The prohibition, restriction, or permission regarding the use of such aids might be specifically stated in the test instructions (e.g., calculator use), but it need not be if their prohibition is a reasonable academic expectation for any such graded activity (e.g., use of a textbook, class notes, or a "cheat sheet" during a test). The cheating might be either premeditated (e.g., preparation and use of "cheat sheets," securing a copy of the test beforehand) or opportunistic (e.g., looking at another student's test paper).

Plagiarism – Use of another person's or of a group's words or ideas without clearly acknowledging the source of that information, resulting in their false representation as one's own individual work. More specifically, to avoid plagiarizing, a student or other writer must give credit when he/she uses:

- another person's idea, opinion, or theory
- any facts, statistics, graphs, drawings—any pieces of information—that are not common knowledge

- quotations of another person's actual spoken or written words
- paraphrases of another person's spoken or written words
- another person's data, solutions, or calculations without permission and/or recognition of the source, including the act of accessing another person's computerized files without authorization

Plagiarism may be either deliberate or unwitting; that is, it is the responsibility of a college student to know what constitutes plagiarism so that ignorance is not a legitimate defense against a charge of plagiarism.

Falsification/Fabrication - Intentional and unacknowledged invention or alteration of any data, incidents, quotations, or citations in an academic exercise

Unauthorized Collaboration - Intentional sharing of information or working together in an academic exercise when such collaboration is not approved by the instructor

Facilitating Academic Dishonesty - Intentionally or knowingly helping or attempting to help another to violate any provision of this policy on academic dishonesty.

Academic Sanction - Any penalty assessed by an instructor, possibly in consultation with department administration and/or the Dean of Students office, imposed solely in response to a student's academic misbehavior and including, but not limited to such actions as lowering a grade, assigning extra work, or imposing a re-test.

Disciplinary Sanction - Any sanction imposed by the Dean of Students office, which may be in addition to an Academic Sanction and may include disenrollment from a course, suspension from campus, expulsion from the institute, or other administrative action.

(For more information regarding disciplinary sanctions, see the Student Code of Conduct on page 300 of this catalog.)

III. PROCEDURES

Initial Steps Taken By Instructor

If an instructor suspects a student has committed an act of academic dishonesty, the instructor should document what has occurred (e.g. what was observed or discovered that led to this belief) and must meet with the student. The goal of the meeting is twofold: (1) to inform the student of the allegation and review the evidence with the student; and (2) to provide the student with the opportunity to respond to the allegation by presenting his/her own evidence or by commenting on the allegation(s) and the evidence for it. The meeting with the student should occur as soon after the incident as possible (preferably, immediately after the class session

in which the alleged incident occurred).

Academic Sanctions

Once the student has been given the opportunity to respond to the allegations, the instructor must determine whether academic dishonesty has occurred (based on a preponderance of the evidence—a more likely than not standard). If the instructor determines that academic dishonesty has occurred the instructor may either: 1) impose an academic sanction up to and including a "0" on the assignment or test; or 2) contact the Dean of Students to coordinate a more severe penalty for the offense (e.g. an "F" for the course, or removal from a program - in the case of limited entry programs such as exist in Health Occupations). At this point, the departmental dean should be notified of the instructor's attempt to seek a more severe penalty in coordination with the Dean of Students office.

In either case, the student must be notified by the instructor (either in person at the initial or subsequent meeting, over the phone, or by email) regarding the instructor's decision and the sanction that will be imposed.

Centralized Reporting

Once the decision making and sanctioning are complete, the incident must be documented and reported to the Dean of Students Office and to the appropriate instructional department office using the Academic Dishonesty Incident Report Form (available in the instructional departments or in the Dean of Students office). The Dean of Students Office will be responsible for the following:

1. Generating an official TVI letter to the student summarizing what occurred in the academic dishonesty incident and what sanction was imposed as well as notifying the student regarding what additional actions will be taken (in the case of repeat offenders or those already on probation), or what further actions would be taken should another incident occur. In addition, the letter will provide information about the student's right to appeal.
2. Maintaining a centralized record of the incident within the Dean of Students Office so that, if future incidents are reported, patterns of behavior can be identified and sanctioned more severely.

Non-Academic Disciplinary Sanctions

When the report is received by the Dean of Students office, current records will be checked to determine whether: 1) the student has had any previous incidents of academic dishonesty; or 2) the student is on disciplinary probation for any other previous disciplinary incidents. If either of these conditions exists, the student will be called into the Dean of Students Office and will be subject to disciplinary sanctions in addition to the academic

sanction imposed by the instructor (per the disciplinary procedures outlined in the Student Code of Conduct). The additional disciplinary sanctions that may be imposed include disenrollment from the course, suspension from campus, expulsion from the institute, and other administrative actions.

Appeal Processes

Appeal of an Academic Sanction

The student may appeal any academic dishonesty determination or sanction by putting the appeal request in writing and submitting it to the Dean of the appropriate instructional department within one week after receipt of the Dean of Student's notification letter. The appeal must include the following:

1. The name of the individual requesting the appeal.
2. The name of the instructor who imposed the academic sanction and the information regarding the course (course name, course number, section number).
3. Description of the sanction that was imposed.
4. The grounds for the appeal. These grounds may include, but are not limited to, the procedure that was followed, the factual basis for the determination, and/or the severity of the sanction.

After reviewing the appeal, the instructional Dean may take any of the following actions:

1. Deny the appeal request.
2. Grant the appeal request and refer the matter back to the instructor to amend the original decision or sanction.

When a decision has made regarding the appeal, the instructional Dean will notify the Dean of Students regarding the outcome of the appeal.

Appeal of a Non-Academic Disciplinary Sanction

The student may appeal any disciplinary sanction per the guidelines found in the Student Code of Conduct under section IV, D, titled, "Non-Academic Discipline Appeal Process" (found on page 303 of this catalog).

Information Technology Use Policy (Condensed Version)

Note: Policies are subject to change. The information below is a condensed version of the complete Information Technology Use Policy. Please see www.tvi.edu for the complete and most current version of this policy, and its administrative directives.

I. Purpose

- A. TVI promotes and provides Information Technology resources that enhance educational services and facilitate Institute operations. These resources are shared by students, faculty, staff, and the public. All persons using these systems share the responsibility for seeing that they are used in an effective, efficient, ethical, and lawful manner. The aim of this policy, and its administrative directives, is to safeguard equipment, networks, data, and software that are acquired and maintained with public funds as well as define the acceptable use of these resources.
- B. Users of TVI Information Technology resources or those who interface with TVI enterprise systems and networks are subject to this policy, in addition to local, state, and federal laws relating to copyrights, security, and other issues regarding electronic media. Any violation of this policy, the Employee Handbook, or the Student Handbook may result in the removal of access privileges and possible disciplinary action.
- C. This policy applies to all individuals and groups utilizing Institute-owned Information Technology resources, whether individually controlled or shared, stand-alone or networked. In addition, this policy applies to personally-owned resources brought to the Institute for work or classroom purposes that utilize TVI's systems and networks.

II. Agreement

- A. All users of TVI's enterprise systems and networks must read and comply with the Information Technology Use Policy. By using any of these systems and networks, users accept the terms of this policy.
- B. Area directives may be established to further support appropriate information technology use to preserve TVI's systems and networks and better serve the community. Users agree to become familiar with and abide by all applicable directives.

III. Accounts

- A. Each individual is responsible for the use of their TVI account. It must not be used by others.
- B. Student accounts are kept active until the beginning of the next fall or spring term. At that time, if the user is no longer a registered student, the account is locked.
- C. Information contained in the account will be kept until the end of the term in which the account was locked and then either retained or deleted at the Institute's discretion.

IV. Rights

- A. TVI's information technology resources are owned and operated by TVI. These resources include systems, networks, software/licenses, facilities, accounts, and information. TVI reserves all rights to these resources, including termination of service without notice should an individual violate the Information Technology Use Policy.
- B. TVI cannot protect individuals against the existence or receipt of material that may be offensive to them.

V. Privileges

- A. Access to TVI's systems and networks is a privilege granted to authorized users, not a right. Access privileges are offered to users so they have full use of the technology available for academic purposes. Access to any system or network may be denied, at any time, without notice as a protective measure to ensure TVI's system and network integrity or compliance with legal mandates.
- B. Users may not, under any circumstances, transfer or confer these access privileges to other individuals.

VI. Responsible Use

- A. Prudent and responsible use of Information Technology resources begins with common sense and includes respecting the rights and privacy of other users.
- B. The user agrees to follow proper computer etiquette when using TVI's information technology systems and networks.
- C. The user agrees to refrain from any activity that would be considered an Information Technology use violation as defined in this policy.

VII. Privacy

- A. TVI makes every reasonable effort to ensure the security of its systems and networks. While attempts have been made to ensure privacy of all accounts by assigning individual PINs and passwords, TVI offers no guarantee or representation that any account, electronic mail, or voice mail is private. Users should also note that TVI's systems are not guaranteed to be secure, nor are they connected to a secure network.
- B. TVI recognizes the privacy rights of individuals, as guaranteed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and Governing Board Policy. In certain circumstances the USA Patriot Act of 2001 may supersede students' privacy rights under FERPA.
- C. By virtue of having a TVI network account, the user grants specific permission to TVI, and TVI reserves the right to access all information stored on its systems.
- D. Before any routine maintenance inspection is performed on a user's account, they are notified in advance and in writing, where practical. In the case of emergency inspections, or a discipline situation, the user is notified within three business days following the inspection of the reason the inspection occurred.

VIII. Violations

- A. To maintain the integrity of TVI's Information Technology systems and networks it is necessary to identify common violations that can be addressed quickly to maintain effective technology use at TVI. Common violations are noted below and are identified as either minor or major. This list is not intended to be all inclusive.
- B. Minor Violations
 - Failure to comply with unit, lab, department rules, and guidelines.
 - Chat room use that is unrelated to TVI instruction or operations.
 - Use of internet games that are unrelated to TVI instruction or operations.
 - Bringing food or drink into a lab setting.
 - Use or installation of unauthorized software onto TVI-owned computers.
 - Activities that are not academic or class related that could impact network or system performance (i.e., streaming videos, internet radio...)
 - Abusing or misusing hardware, including but not limited to, keyboards, mice, etc.

C. Major Violations

- Refusal to discontinue unacceptable activities identified as minor violations.
- Unauthorized entry into (hacking) accounts or files for purposes of reading, using, transferring, or altering their contents, or for any other purpose.
- Viewing, accessing, or transmitting images, text, websites, or other material that is intimidating, fraudulent, hostile, harassing or offensive on the basis of sex, race, color, religion, national origin or disability.
- Sale, possession (in public), and/or exhibition of obscene material, is illegal and violates local, state, and federal law as well as TVI policy.
- Transmitting images, text, websites or other material that is threatening, harassing, malicious, defamatory, or in which the origination is deliberately misleading.
- Accessing or transmitting child pornography.
- Copyright infringement, software piracy, audio/video recording piracy. This is a violation of federal law in addition to violating TVI policy. (See the Copyright section of this document for more information).
- Unauthorized use of TVI's Information Technology resources for commercial purposes.
- Interfering with, degrading, or damaging the performance of any TVI voice or data network including crippling, bombing, or spamming.
- Misappropriation of data, copyrighted materials, including computer software.
- Tapping of network transmissions, including wireless transmissions (e.g., running network analyzers without authorization from the Computer Information Technology department (CIT)).
- Sharing of passwords, acquiring another user's password, attempting to increase the level of access to which a user is authorized, or depriving other authorized users access to any TVI system or network.
- Use of knowledge of passwords, or of loopholes in systems, to damage resources, obtain extra resources, take resources from 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.
- Publishing to the TVI website without appropriate approval.
- Performing any activity that is considered to be a threat to national security.
- Fraud, pyramid schemes, federal computer security violations.

IX. Copyright

- A. Any information, including but not limited to text, software, graphics, video, audio and photographs may not be copied into, from or by, placed on any TVI facility, system, or network, 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. According to copyright law, a person who makes an unauthorized copy is potentially 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.

X. Enforcement

- A. Upon receipt of a complaint or if a student user is suspected of violating this policy, all relevant information will be turned over to the Dean of Students Office for investigation and possible disciplinary action.
- B. As part of the investigation conducted by the Dean of Students Office, a user's account may be locked and/or inspected. Following the inspection, the user will be notified in writing within 3 business days that an inspection has taken place.

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 (505) 224-4342. Sexual harassment matters concerning a student and a TVI employee should be brought to the Human Resources Department, A Building, Main Campus, (505) 224-4600.

Military Duty

This Student Policy on Military Duty shall apply to currently enrolled students at TVI who are 1) serving on active duty in the military and who receive orders transferring them to a duty station outside of the TVI District or prohibiting their continued enrollment at TVI or 2) are members of the New Mexico National Guard and/or reserves and are called to active duty. In such cases, TVI will follow the procedures listed below upon representation of official military orders by the affected student.

1. A student withdrawing from TVI prior to 80 percent completion of a term of any length will be withdrawn from class with no grade or enrollment penalties imposed. A full refund of tuition will be processed.

2. A student withdrawing after completion of 80 percent of a term of any length may receive full credit for each course in which he/she is enrolled provided the instructor certifies a grade of C or better for the course at the date of formal withdraw. A student with a grade lower than a C will be withdrawn with no grade or enrollment penalties imposed and full refund will be processed. After 80 percent completion of a term of any length, a student must choose either a grade assignment or a tuition refund.

3. A student scheduled to graduate, who has completed 80 percent of the work in courses in which he/she is enrolled for that term, may be certified for graduation provided these courses would complete his/her degree or certificate requirements, and student will receive full credit for the courses.

Rules Governing Classrooms/Labs

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

When students are in class or a lab, 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.

Smoking

Smoking is NOT allowed at any time in any TVI building. If smoking outside a building, do not congregate on walkways or in front of doors, do not block access to buildings and please be courteous of the rights of non-smokers on campus.

Animals on Campus

ADA and TVI policy allows service animals accompanying persons with disabilities to be on TVI campuses.

Pets (domestic animals kept for pleasure or companionship) are not permitted in TVI facilities.

For further information regarding animals on campus, please refer to the Service Animal Policy (in the employee handbook) at www.tvi.edu.