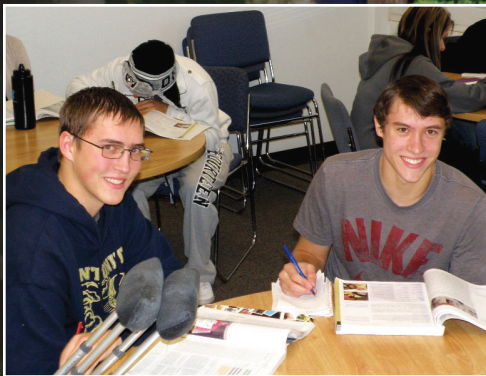


Student Handbook

2016-2017



STUDENT RIGHTS, RESPONSIBILITIES, EXPECTATIONS CODE OF CONDUCT AND DISCIPLINE

Student Rights and Responsibilities: Trinidad State Junior College's approach to student learning and student conduct is to provide a safe and healthy learning environment that facilitates the mission of the College. When a student's conduct adversely affects the College's pursuit of its educational objectives, actions will be taken to remedy the situation. TSJC's approach will be both to resolve the problem and to help students learn from their mistakes. In accord with this general philosophy, efforts will always be made to resolve discipline issues informally, if possible. This section of the Student Handbook discusses student rights, responsibilities, and conduct at TSJC.

Student Rights: The submission of an application for admission to Trinidad State Junior College represents a voluntary decision on your part to participate in the programs offered by the institution pursuant to its policies, rules, and regulations. College approval of your application, in turn, represents the extension of a privilege to join the college community and to remain a part of it so long as you meet its required academic and behavior standards.

Student Responsibilities: Your enrollment at TSJC is voluntary. When you confirm admission, you assume the obligations of performance and behavior, which the College believes appropriate. As a member of the College community, you are held accountable not only for civil and criminal laws, but College Standards as well. Enrollment does not confer either immunity or special considerations with reference to civil and criminal laws.

Students may be accountable to both civil and College authorities for acts which constitute violations of law as well as violations of College rules and regulations. Disciplinary action by the College will not be subject to challenge or postponements on the grounds that criminal charges involving the same incident have been dismissed, reduced, or are pending in civil or criminal court. In addition, TSJC reserves the right to pursue disciplinary action if a student violates a standard and withdraws from the College before administrative action is final.

All persons on College property are required, for reasonable cause, to identify themselves upon request of College officials acting in the performance of their duties. Acting through its administrative officers, the College reserves the right to exclude those deemed detrimental to its well-being or incompatible with its function as an educational institution.

The following guidelines attempt to balance the student's needs and the needs of the College community. If an individual is found in violation of the Student Code of Conduct, the College's primary interest will be to help that individual avoid further inappropriate behavior and become a responsible member of the College community. However, if an individual fails to correct inappropriate behavior, or if the code of conduct violation is serious, the College will have no choice but to consider taking disciplinary action that may, in some cases, lead to suspension or expulsion from the College. There are some behaviors that will not be tolerated because they threaten the safety and violate the basic purpose of the College community or the personal rights and freedoms essential to other members of the community.

TSJC recognizes that many programs offered identify additional standards of ethics, accountability and program expertise. The following programs at TSJC require students to follow the standards identified in their program handbook in addition to the expectations outlined in this handbook:

Administrative Medical Assistant
Cosmetology
Electrical Line Technology
Gunsmithing
Massage Therapy
Certified Nurse Assistant

Automotive Service Technology
Early Childhood Education
Emergency Medical Services
Heavy Equipment
Nursing
Law Enforcement Training Academy (LETA)

Trinidad State Junior College Student Code of Conduct

Conduct that violates student rights and freedoms and is subject to disciplinary action includes, but is not limited to:

1. **Academic Misconduct:** Plagiarizing, cheating, or committing any other form of academic misconduct including, but not limited to, unauthorized collaboration, falsification of information, and/or helping someone else violate reasonable standards for academic behavior. Students who engage in any type of academic dishonesty are subject to **both** academic consequences as determined by the instructor and to disciplinary action as outlined in the Trinidad State Junior College disciplinary procedures.
2. **Disruptive Behavior:** Engaging in any disruptive behavior that negatively affects or impedes teaching or learning (regardless of mode of delivery or class setting); or disrupts the general operation of Trinidad State Junior College.
3. **Deceitful Acts:** Engaging in deceitful acts, including, but not limited to: forgery, falsification, alteration, misrepresentation, non-disclosure, or misuse of documents, records, identification and/or educational materials.
4. **Conduct that is Detrimental to College or to Safety:** Conduct that is deemed detrimental, harmful and/or damaging to Trinidad State Junior College and/or that jeopardizes the safety of others as determined by the Chief Student Services Officer. Examples include, but are not limited to, slamming doors, throwing chairs, and/or defacing of college property.
5. **Physical/Non-physical Abuse:**
 - Physical abuse or conduct that threatens or endangers another person's health or safety.
 - Non-physical abuse, threats, intimidation, coercion, influence, or any unwelcome conduct in any form that is sufficiently severe, pervasive or persistent that it alters the conditions of the learning environment or employment.
 - Knowingly falsifying, publishing or distributing, in any form, material that tends to impeach the honesty, integrity, virtue or reputation of another person.
6. **Harassment and/or Discrimination:** Discrimination or harassment on the basis of sex/gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation.
7. **Sexual Misconduct:** Sexual Misconduct offenses include, but are not limited to Sexual Harassment, Non-Consensual Sexual Contact (or attempts to commit same), Non-Consensual Sexual Intercourse (or attempts to commit same), and/or Sexual Exploitation. (See SP 4-120a for more information: <http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP4-120a.pdf>)
8. **Weapons:** Possession or distribution of any unauthorized firearms, ammunition, explosives, fireworks and/or other dangerous weapons (or chemicals/flammable liquids) or use/threat of use of any instrument (including but not limited to paint ball guns, pellet guns, air soft guns, bow and arrows, knives) as a weapon to intimidate, harass, or cause harm to others.
9. **Narcotics/Alcohol:** Use, being under the influence, manufacturing, possession, cultivating, distribution, purchase, or sale of alcohol and/or drugs (illegal and/or dangerous or controlled substance) and/or alcohol/drug paraphernalia while on col-

lege owned or college controlled property, and/or at any function authorized or supervised by Trinidad State Junior College and/or in state owned or leased vehicles.

Note: Although possession and use of marijuana consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on college owned or college controlled property, and/or any function authorized or supervised by Trinidad State Junior College and/or in state owned or leased vehicles.

10. **Dress Code:** Dress or personal hygiene that fails to meet the established safety or health standards of specific classes or activities offered by Trinidad State Junior College.
11. **Leaving Children Unattended:** Leaving children unattended or unsupervised in campus buildings or on campus grounds unless enrolled or participating in authorized campus activities.
12. **Violation of Laws, Directives, and Signage:**
 - Violating any municipal, county, state or federal law that adversely impacts the conditions of the educational or employment environment.
 - Violations of college traffic and parking rules, regulations, or signage.
 - Creating an intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular. This includes, but is not limited to leading or inciting to disrupt college activities. Failure to comply with the lawful directives of Trinidad State Junior College employees acting within the scope of their duties, including those directives issued by a Trinidad State Junior College administrator to ensure the safety and well-being of others.
 - Violations of college policies, protocols, procedures or signage.
13. **Illegal Gambling:** Participation in illegal gambling activities on college owned or college controlled property, and/or any function authorized or supervised by Trinidad State Junior College and/or in state owned or leased vehicles.
14. **Unauthorized Entry and/or Unauthorized Possession:** Entry into, or use of any building, room, or other Trinidad State Junior College owned or Trinidad State Junior College controlled property, grounds, or activities without authorized approval. This also includes, but is not limited to the unauthorized possession, duplication or use of college keys, lock combinations, access codes, and access cards and/or credentials and/or propping open or tampering with doors/windows.
15. **Unacceptable Use of College Equipment, Network or System:** Unacceptable uses of any Trinidad State Junior College owned or operated equipment, network or system including, but not limited to: knowingly spreading computer viruses; reposting personal communications without author's consent; copying protected materials; using the network for financial or personal gain, commercial activity, or illegal activity; accessing the network using another individuals account; unauthorized downloading/uploading software and/or digital video or music; downloading/uploading, viewing or displaying pornographic content, or any other attempt to compromise network integrity.
16. **Unauthorized Pets/Animals:** Possession of any unauthorized pet or animals and or assistance animals, while on college-owned or college-controlled property.

- 17. Tampering with Student Organization, Election, or Vote:** Tampering with the process of any college recognized student organization, election or vote.
- 18. Group or Organization Conduct:** Students who are members of a college recognized student organization or group and commit a violation of the Student Code of Conduct may be accountable both as an individual **and** as a member of the student organization.
- 19. Abuse of the Student Disciplinary and/or Grievance Procedure:** Abuse of the Student Disciplinary and/or Grievance Procedure includes, but is not limited to the following:
- Disruption or interference with the orderly conduct of the student disciplinary / grievance procedure.
 - Falsification, distortion, or misrepresentation, or knowingly pursuing malicious, frivolous, or fraudulent charges.
 - Attempting to discourage an individual's proper participation in, or use of, the student disciplinary / grievance procedure.
 - Attempting to influence the impartiality of a participant and/or the student disciplinary / grievance procedure.
 - Harassment (verbal or physical) and/or intimidation of a participant in the student disciplinary / grievance procedure.
 - Failure to comply with directives and/or sanctions imposed under student disciplinary / grievance procedure.
 - Influencing or attempting to influence another person to commit an abuse of the student disciplinary / grievance procedure.
 - Engaging in retaliatory acts in any form against any person or person(s) involved in the student disciplinary / grievance procedure
- 20. Unauthorized Entry into College Events:** Entering or attempting to enter any Trinidad State Junior College sponsored activity without proper credentials for admission.

It is the intent of this code to ensure students at TSJC neither lose their rights nor escape the responsibility of citizenship in the college community. While the activities covered by the laws of the larger community and those covered by TSJC's rules may overlap, it is important to note that the community's laws and TSJC's rules operate independently and that they do not substitute for each other. TSJC may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources (such as law enforcement agencies and the courts) to determine whether TSJC conduct has been violated. A TSJC student is not exempt from local, state, or federal laws and TSJC students have the additional obligation of abiding by all of TSJC'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 conduct themselves in a manner conducive to learning in an educational environment.

Student Code of Conduct: Basis: Students are expected to adhere to the Student Code of Conduct and policies and procedures of Trinidad State Junior College (TSJC). If a student is charged with violating the TSJC Code of Conduct, these are the procedures to be used in resolving the charge.

Definitions:

Chief Student Services Officer (CSSO): The individual designated by the TSJC President to administer student affairs and be responsible for administering the TSJC Student Code of Conduct and this procedure. The CSSO may delegate student discipline to another individual (designee).

Code of Conduct: A document developed and published by TSJC which defines prescribed conduct of students.

Complainant(s): A person(s) who is subject to the alleged misconduct or related retaliation. For purposes of this procedure, a complainant can be a CCCS/TSJC employee(s), TSJC student(s), authorized volunteer(s), guest(s), or visitor(s).

Day: Refers to working day unless otherwise noted below.

Jurisdiction: Applies to behaviors that take place on the campus, at System or TSJC sponsored events; and may also apply off-campus and to online activity when the Chief Student Services Officer (CSSO), or designee, determines that the off-campus conduct affects a substantial System or TSJC interest. A substantial TSJC interest is defined to include the following:

- Any action that constitutes criminal offense as defined by Federal or Colorado law. This includes, but is not limited to, single or repeat violations of any local, state or Federal law committed in the municipality where the System or TSJC is located;
- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the System or TSJC.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the System or the College's control (e.g., not on System or TSJC networks, websites or between System or TSJC email accounts) will only be subject to this procedure when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the First Amendment to the Constitution.

Notice: Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery, mailing by certified mail, or emailing the student to their official TSJC email address requesting a delivery receipt notification. If notice is mailed, student shall be given three (3) additional days to respond.

Respondent: A student whose alleged conduct is the subject of a complaint or incident.

Retaliatory Acts: Include but not limited to intimidation, verbal or physical threats, harassment, coercion, or other adverse action(s) against a person who reports an incident of misconduct.

Sanctions: One or more of the following may be imposed when there is a finding that a student has violated the TSJC Code of Conduct:

1. **Warning:** A Notice served upon the student advising her/him that he/she is violating or has violated TSJC regulations.
2. **Probation:** After a finding of violation of the Code of Conduct, restriction of student's privileges for a designated period of time including the probability of more severe disciplinary sanctions if the student is found to be violating any TSJC regulations during the probationary period.
3. **Other Disciplinary Sanction:** Fines, restitution, denial of privileges (including extra-curricular activities or holding office in student organizations), assignment to perform services for the benefit of TSJC or community; educational sanctions such as mediation, letter of reflection, attendance at a workshop, seminar, or training writing a letter of apology seeking academic advising; re-assignment or eviction from campus housing, substance abuse screening, re-assignment to another class section, including a potential online section, or other sanction that doesn't result in the student being denied the right of attending classes, or any combination of these.
4. **College Suspension or Expulsion:** An involuntary separation of the student from TSJC for misconduct not based on academic performance for a specified period of time.

a. Suspension is a separation that shall not exceed three academic terms (including summer term) per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the community Colleges within the System.

Additionally, if a student is suspended at any of the other Auraria Campus Institutions (i.e., Metropolitan State University of Denver [MSUD] or the University of Colorado Denver [UCD]), he or she will not be eligible for admission or re-admission at the Community College of Denver (CCD).

Consequently, if a student is suspended at MSUD or UCD and attempts to enroll at one of the other twelve community Colleges within the System, he or she may be denied pursuant to the process under Board Policy 4-10, Admission, Continued Enrollment and Re-enrollment of Students.

Once the suspension is lifted at any of the community Colleges within the System, MSUD or UCD, the student may be eligible for admission or re-admission.

Examples of suspension include, but are not limited to the following: the College, a department or program, a class, use of a College facility or an activity.

Students may be suspended from one class period by the responsible faculty member or adjunct instructor. Longer suspensions can only be implemented by the CSSO or designee in accordance with this procedure.

b. Expulsion is an indefinite separation from TSJC. The expelled student is not eligible for admission or re-admission at any of the community Colleges within the System.

Additionally, if a student is expelled at MSUD or UCD, he or she will not be eligible for admission or re-admission at CCD.

Consequently, if a student is expelled at MSUD or UCD and attempts to enroll at

one of the other twelve community Colleges within the System, he or she may be denied pursuant to the process under Board Policy 4-10, Admission, Continued Enrollment and Re-enrollment of Students.

In exceptional cases where a student wants to be considered for admission or re-admission after an expulsion has been implemented, the student bears the burden to prove that the behavior resulting in the expulsion has been resolved. It is the College's discretion to admit or deny the student.

5. **Interim Action:** An immediate action taken by the CSSO or designee, to ensure the safety and well-being of members of the System or TSJC community; preservation of System or TSJC property; or if the student poses a definite threat of disruption or interference to others or the normal operations of the System or TSJC. In the event of an interim action, the hearing before the CSSO or designee shall occur as soon as possible following the interim action. If TSJC issues a permanent sanction, the student shall be afforded appeal rights as discussed below. If TSJC does not implement a permanent sanction, the interim action will be removed from the student's record.

6. TSJC may issue a "Cease Communications", "No Contact", and/or "No Trespass" directive, also referred to as a *persona non grata*.

Student: All persons currently taking courses at or sponsored by the College(s), pursuing either credit or non-credit courses (or both), including those concurrently attending secondary or post-secondary institutions and College. Persons who are not officially enrolled for a specific term, but who have a continuing relationship with TSJC are considered students.

Continuing Relationship: A student registered for an upcoming term or has indicated intent via a transaction such as a financial aid application to register for an upcoming term. A continuing relationship also includes students who are first time enrollees who engage in misconduct prior to the time of enrollment. For students in a continuing relationship status, jurisdiction and the reasonable person standard must be considered in pursuing disciplinary charges. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Title IX Coordinator(s) and Title VI and VII Coordinator(s) (EO Coordinator): Designated by the College President to oversee all civil rights complaints.

Training: All TSJC officials involved with the investigation and discipline process will be trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking.

Procedures: The CSSO or designee shall receive all allegations of student misconduct, investigate the complaints, which includes meeting with the student to give him/her the opportunity to respond to the allegations of misconduct. If the allegations of misconduct are discrimination and/or harassment based on federal or state civil rights laws, TSJC will investigate those incidents through the Civil Rights Grievance and Investigation Process, System President's Procedures (SP) 3-50b and (SP) 4-31a via the following link: <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>.

Once the investigation is complete, either through this process or the Civil Rights Grievance and Investigation Process, the CSSO or designee shall render a sanction decision.

1. The CSSO or designee may decide that the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to them. If an administrative resolution is not achieved, the CSSO or designee shall issue a decision which determines whether the alleged conduct occurred; whether

the conduct violated the Code of Conduct or TSJC procedures; and impose a sanction(s) if appropriate.

In cases of domestic violence, dating violence, sexual assault and stalking, the complainant and the respondent will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final and shall be given the rationale for the discipline decision.

The student shall receive written notice of the decision and be advised of her/his right to appeal the decision, subject to the grounds below, by filing a written appeal with the CSSO or designee within seven (7) days of service of the decision.

Appeal: In the event of an appeal, the CSSO or designee shall give written notice to the other party (e.g., if the accused student appeals, the appeal is shared with the complainant who may also wish to file a response), and then the CSSO or designee will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the Appeals Officer or committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding(s) and sanction(s) will stand if the appeal is not timely or substantively eligible, and the decision is final.

If the appeal has standing, the documentation is reviewed. Because the original finding(s) and sanction(s) are presumed to have been decided reasonably and appropriately, the party appealing the decision must specifically cite the error(s) in the original determination on which the appeal is based. The only grounds for appeal are as follows:

1. A material procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); which must be explained in the written appeal; or
2. To consider new evidence, unavailable during the investigation or hearing that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written appeal, as well as the reasons the new evidence was not available during the original proceeding. Failure to participate in the initial process does not constitute as new information for the appeal process

If the Appeals Officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the CSSO or designee with instructions to reconvene, in order to cure the error. In rare cases of bias, where the procedural or substantive error cannot be cured by the CSSO or designee, the Appeals Officer or committee may order that a new hearing be held by a different individual acting in the place of the designated CSSO or designee. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed once on (either or both of) the two applicable grounds for appeals.

If the Appeals Officer or committee determines that new evidence should be considered, it will return the complaint to the CSSO or designee to reconsider in light of the new evidence, only. If the subject matter pertains to civil rights violations pursuant to SP 4-31a, the Appeals Officer or committee will return the complaint to the Title IX/EO Coordinator to reconsider in light of the new evidence, only. The reconsideration of the CSSO, designee, or Title IX/EO Coordinator is not appealable.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
- If the Appeals Officer or committee determines there is new evidence or error in the original proceeding, every opportunity to return the appeal to the CSSO or designee for reconsideration (remand) should be pursued.

- Appeals are not intended to be a full rehearing of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for an Appeals Officer or committee to substitute their judgment for that of the CSSO or designee, merely because they disagree with her/his finding and/or sanctions.
- Appeals decisions are to be deferential to the original decision, making changes to the findings only where there is clear error and a compelling justification to do so.
- Sanctions imposed are implemented immediately, unless the CSSO or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Appeals Officer or committee will render a written decision on the appeal to all parties within seven (7) days of receiving the appeal request. The committee's decision to deny appeal requests is final.

Additional Process Provisions:

- The student may have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise her/his advisee, but not speak for the advisee at any meeting or hearing. These procedures are entirely administrative in nature and are not considered legal proceedings. The CSSO may remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation.
- The student is responsible for presenting her/his own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing, except when the student is under the age of eighteen (18) or incapacitated.
- Student shall have the right to identify documents, witnesses and other material he/she would like the CSSO or designee to review before making a final decision.
- Any hearing held shall be conducted in private unless all parties agree otherwise.
- A record of the hearing should be maintained by the CSSO or designee.
- Audio and/or Video Recording – TSJC, at its discretion, may audio or video record any meeting throughout the process. Should a recording exist, the student may request a copy at the end of the process. No other audio or video recording will be allowed.
- If student has a disability and would like to request an accommodation to assist her/him through the discipline process, he/she may do so by informing the CSSO or designee. The CSSO or designee will then work with disability support services to accommodate the request.
- Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- Standard of proof – TSJC will use the preponderance of evidence standard in the disciplinary proceedings, meaning, TSJC will determine whether it is more likely than not that a conduct code was violated.

- All sanctions imposed by the original decision maker will be in effect during the appeal. A request may be made to the CSSO or designee for special consideration in exigent circumstances, but the presumptive stance of the College is that the sanctions will stand. Graduation, study abroad, internships/externships, clinical placements, extracurricular activities, etc. do not (in and of themselves) constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.
- The procedural rights afforded to students above may be waived by the student.
- All timelines may be extended as agreed upon by both parties.

Retaliatory Acts: It is a violation of this procedure to engage in retaliatory acts against any employee or student who reports an incident(s) of Code of Conduct violations or any employee or student who testifies, assists or participates in the discipline proceeding, investigation or hearing relating to such allegation(s) of Code of Conduct violations.

Revising this Procedure: TSJC reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.

Record of Discipline: The record of disciplinary actions will remain confidential, separate from your academic record and maintained by the Code of Conduct Officer. They are not available to unauthorized persons. Exceptions will be made only under the conditions specified in the Family Education Rights and Privacy Act of 1974, as amended and under a court order or subpoena. All records of a case will be maintained by the office of the Vice President of Student Services for a minimum of five (5) years after the final resolution of the case at which time they will be destroyed, unless mitigating circumstances exist as determined by campus administration.



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