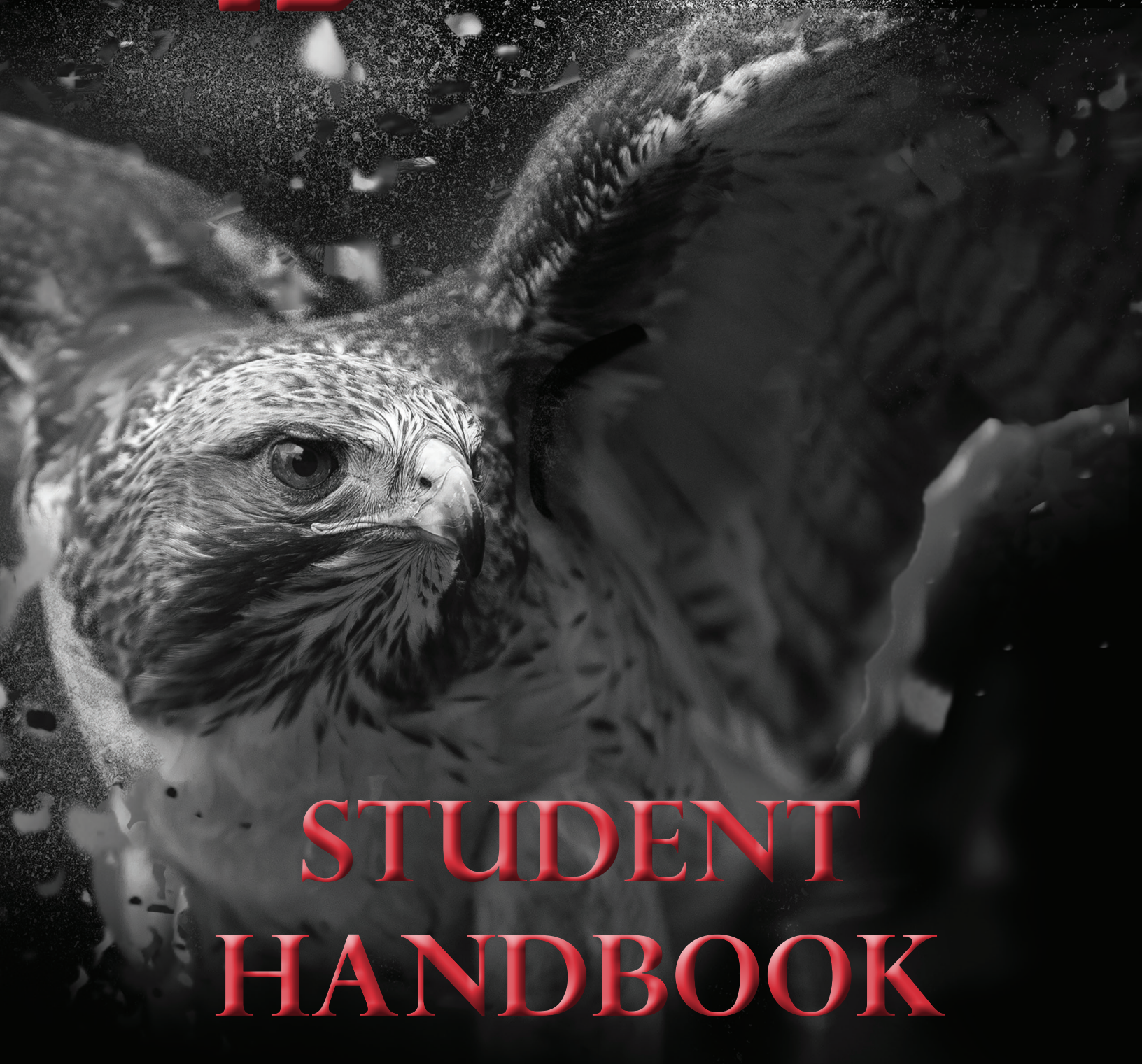




HOWARD
COLLEGE



STUDENT
HANDBOOK

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GENERAL POLICY

A college, like any community, must have regulations by which its members abide and procedures by which its organizations function. The standards should provide order and an atmosphere conducive to intellectual and personal development. Policies and procedures outlined in the Student Handbook are intended to serve these purposes in the interest of all segments of Howard College. These policies and procedures apply to students at all Howard College locations, including students taking online or distance learning courses.

The college has a responsibility to maintain order within the college community and to discipline those who violate its rules and policies. Enrollment requires students to share this responsibility. Students agree to abide by the standards, rules and/or policies set forth in this handbook, the Howard College Catalog and other official college publications, as well as Texas Education Code. Registered campus organizations also agree to follow all these rules and regulations. The college or its representative may amend this document at any time without notice.

Disciplinary Authority

The authority to enact and enforce regulations of the college is vested in the Board of Trustees. The responsibility for enforcing regulations and imposing penalties is delegated to the President and any college officials the President may designate. The office of the Vice President Academic and Student Affairs is the principle agency for the administration of student discipline and the judicial officer on the Big Spring, San Angelo, Lamesa, and SWCD campuses shall implement student discipline procedures. All references to the President of the college, the Vice President Academic and Student Affairs, or the judicial officer on each campus shall also be interpreted to include persons designated to act on behalf of these officials.

Policy on Non-Discrimination

The Howard County Junior College District does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, veteran status, or any other legally protected status in educational programs, activities, admission, or employment practices. The following person has been designated to handle inquiries regarding the non-discrimination policies: Director of Human Resources, 1001 Birdwell Lane, Big Spring, TX 79720, 432-264-5100. For further information on the notice of non-discrimination, visit [this link](#) for the address and phone number of the office that serves your area.

College Name, Document, and Records

The use of the college's name by any person or organization in connection with any program or activity or any unauthorized use of college documents, records, or seal is prohibited without the prior written permission from the office of the Vice President of Academic and Student Affairs.

STUDENT RIGHTS AND RESPONSIBILITIES

Expectation of Good Citizenship

The college's primary function is to provide education for those persons who enroll within the system. The goal of the college is to provide an educational environment which will include the opportunity for academic, social, and personal growth. Enrollment in a tax-supported educational institution of higher learning is not compulsory. It is optional and voluntary. The voluntary entrance of a student in such institutions is an entrance into the academic community by individual volition. By such voluntary entrance, the student assumes obligations of performance and behavior reasonably imposed by the institution of choice relevant to its lawful missions, processes, and functions. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law.

Freedom of discussion, inquiry, and expression is protected and nurtured in the classroom as the safeguard of the freedom to learn. Students are expected to exercise their freedom to learn in a manner consistent with the maintenance of good order.

The college assumes that the student has earnest educational purpose and maturity of reasonable behavior. This assumption continues until the student demonstrates otherwise. Every student is subject to federal, state, and local laws and is expected to be familiar with the requirements of such laws. Any student who violates any provision of those laws is subject to disciplinary action, including expulsion, despite any action or nonaction taken by civil authorities on account of the violation. The privilege of exercising rights of citizenship under the Constitution of the United States is reaffirmed by the college to each student. The college strives to assure due process and to outline specific ways of appeal in case of disagreement with administered discipline (see Student Standards of Conduct and Disciplinary Process).

Students' Role in College Decision-Making

Student participation in decision-making at Howard College is an important institutional value. This participation occurs in several ways: the Continuous Quality Improvement (CQI) process, course and instructor evaluations, focus groups, service on the Student Fee Advisory Committee, through the Student Government Association, and by attending the college President's roundtable meetings.

Disruption or Obstruction of College Activities or Functions

College officials are charged with the responsibility of maintaining law and order on college-owned or college-controlled property and at college-sponsored events. Examples of actions for which disciplinary action may be taken can be found in the Student Standards of Conduct and Disciplinary Process section of this handbook.

Affiliation

The Student Government Association is recognized as the official organization representing students. Students are free to identify with off-campus programs and activities as individuals but not as representatives of the college.

Student Publications

The college supports the concept of a student press that adheres to the principles of responsible journalism.

Student Identification Card

1. Students are encouraged to obtain a student identification (ID) card prior to the first day of classes.
2. Students have the option to use a checking account (through Herring Bank) that is linked to the Student ID Card. If a student chooses to use the optional checking account offered by Herring Bank, the student ID card will function as a debit card regulated by the terms and conditions of the checking account.
3. Students shall not allow their student ID card to be used by other persons and students shall not alter their student ID card in any way.
4. Upon request, students are required to present their student ID card to any member of the college faculty, staff, or administration.
5. The student ID card entitles students to free admission to most student activities including athletic events, dances, movies and much more.
6. The student ID card provides identification at the library for checking out materials.
7. The student ID card provides residence hall students access to the cafeteria.
8. The student ID card will be the primary tool the college will use to deliver remaining financial aid funds, student loans, and other funds to students.
9. Lost student ID cards may be replaced for a \$25.00 charge payable to the Howard College Business Office.
10. The student ID card is void upon termination or interruption of enrollment and when not properly validated three years from date of issuance.
11. For more information on the student ID card please visit the website at www.myHCcard.com or contact the Student Services office.

Solicitation and Advertisement

Without prior written approval from the judicial officer, solicitation and sales on college premises or in college-owned or college-controlled buildings, including but not limited to residence halls, the bookstore, or student union building, and/or via the email/web systems is prohibited. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on college premises without prior written approval from the judicial officer is also prohibited. The solicitation and sales policy is set forth in the Solicitations, Advertisement, and Printed Materials section of this Handbook.

Financial Obligations

Students are responsible for all financial obligations due to Howard College. Students cannot receive an official transcript from Howard College until all financial obligations to the college have been cleared. Registration is not complete until all accounts for the semester are paid and/or proper financial arrangements are made. Unpaid financial obligations may result in dismissal from the college. Students with outstanding financial obligations to the college will not be allowed to re-enroll until these obligations are cleared. Students who have outstanding financial obligations to the college may be allowed to enroll for workforce training and continuing education classes when these classes are required by and/or paid for by an

employer or third party. In these cases, transcripts will not be issued to the student; however, evidence of completion of the course will be provided to the employer. Unpaid balances may result in referral for collection and the student will be responsible for all collection costs.

New Student Orientation

Students enrolling at Howard College for the first time should attend orientation. Orientation information can be found on the college website or by contacting the appropriate campus. Students entering SWCD for the first time are required to attend New Student Orientation and should contact the SWCD Counseling Office for information. Cost for SWCD New Student Orientation is \$300.

Student Absences on Religious Holy Days

In accordance with Senate Bill 738, codified in Section 51.911 of the Texas Legislature, a student shall be excused from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A religious holy day is defined as a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code. A student whose absence is excused under this provision may not be penalized for the absence and shall be allowed to take an examination and/or complete an assignment for which the student is excused within one week after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete assignments and/or exams. Students must notify their instructor(s) in writing prior to the proposed absence on a form provided by the institution. In some cases, a letter of verification of the observed holy day from the religious institution may be required. Forms are available in the Student Services office and on the website. In case of conflict, students may appeal through the academic appeals process.

Intellectual Property

Students of Howard College are encouraged to publish, copyright, invent, and/or patent materials and objects of their own creation which will contribute to the advancement of knowledge. The college encourages and protects this interest and its students in relation to disclosure of scientific and technological developments including inventions, discoveries, trade secrets, computer software, and original works and ideas which may have monetary value. It is also the responsibility of the college to ensure that public funds and property are not used for personal gain. The author, creator, or inventor is free to benefit from royalties and monies accruing from such publication or invention, subject to the following guidelines:

1. All classes of intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas, created on the student's own time, and without the use of college facilities, equipment, materials, or support shall be the sole property of the creator.
2. All classes of intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas, created by students at college expense or on college time or by using college facilities or equipment shall be the property of the college. The college, in return for unrestricted license to use and reproduce original work without royalty

payment, shall transfer to the creator of that work full ownership of any present or subsequent copyright/patent in accordance with that which follows.

3. In the event that intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas, are sold to entities outside the college, all income will go to the college for that project, including stipends paid to the developer (over and above contract salary), prorated support staff salaries, supplies and other expenses related to the intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas.
4. The college will ensure equity and management participation on the part of the inventor or inventors in business entities that utilize technology created at the institution.
5. No college student shall realize a profit from intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas sold exclusively to Howard College students.
6. When instructional material developed by a student is sold in the Bookstore for profit, the publisher of the materials must be approved by the instructional administrator.

Any college student who intends to create any intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas developed wholly or partially using college time, equipment, materials, facilities, and/or personnel who intends to copyright, patent, or otherwise merchandise those intellectual property, scientific, and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas will inform the president of the college of his/her intent through the instructional administrator. The president will have final approval. At that time the college will initiate a review of scientific and technological disclosures, including consideration of ownership and appropriate legal protection.

It is the responsibility of the party(ies) having ownership of the intellectual property, scientific and technological developments, materials, or objects, including inventions, discoveries, trade secrets, computer software, and original works and ideas, to secure any licenses, copyrights, or patents. These licenses, copyrights, or patents are secured at the expense of the party(ies) having ownership.

Personnel of college units whose function is to produce educational materials may not realize a profit from the sale of those materials. In the case of any materials produced exclusively by these units, copyright will be held by Howard College. Materials produced under an externally funded grant will be guided by the terms of the grant.

Student Complaints

All students have the right to inquire about, criticize, or propose improvement to college policies, procedures, regulations, services. Channels of expression include bringing the concern to the attention of the Student Government Association, an appropriate college committee, or an appropriate college official. Every effort will be made to resolve the problem. When possible, students should first address their concerns through informal conferences with those immediately involved; formal due process is available when informal resolution cannot be achieved.

Formal complaint procedures vary depending on the type of complaint. Regulations and procedures for the various types of complaints can be found in the following sections of the Student Handbook:

- Complaints about General Policies, Procedures, Regulations, Facilities, and Services
- Complaints about College Employees
- Disputes about a Grading Policy or Specific Assignment Grade
- Grade Disputes
- Appealing Disciplinary Sanctions
- Appealing Sanctions for Academic Dishonesty/Misconduct
- Prohibition of Discrimination or Harassment of Students on the Basis of Disability
- Prohibition of Discrimination or Harassment of Students on the Basis of Race, Color, or National Origin
- Prohibition of Sexual Discrimination or Sexual Violence Against or Sexual Harassment of Students

STUDENT STANDARDS OF CONDUCT AND DISCIPLINARY PROCESS

Responsibility for Knowledge of Policies, Rules, and Regulations

The Student Standards of Conduct and Disciplinary Process is subject to change by action of the Board of Trustees. Each student should be familiar with all published policies, rules and regulations of the college. The Student Handbook and Catalog are published on the college website. Each student is expected to comply with the college's established policies, rules and regulations as well as federal, state, and local laws. This principle extends to conduct off campus which is likely to have adverse effect on the college, or on the educational process, or which characterizes the offender as an unfit associate for the other students.

Inappropriate Behavior

The college provides evaluation, referral, and appropriate treatment (within the parameters of available college resources) for students displaying inappropriate behavior. In some instances, a student's behavior may be beyond the scope of these services and require consideration of termination of enrollment for medical reasons.

1. Definitions
 - a. Inappropriate behaviors are overt actions, omissions to act, or verbal or written statements that would not be consistent with the actions or statements of a reasonable, prudent person under similar circumstances.
 - b. Inappropriate problems include, but are not limited to, behaviors resulting from possible physical, alcohol or drug related, or psychological disorders which may pose a potential harm to the physical wellbeing of the student or others, and/or cause significant disruptive activity to the normal functions of the college.
 - c. Inappropriate behaving student is interpreted to include, but not be limited to, a student exhibiting any of the behaviors described above.
2. In any instance where the judicial officer, in consultation with other college officials, determines that a student's behavior is disruptive to normal college functions, and/or presents a threat of harm or bodily injury to himself or herself or others, the judicial officer may recommend to the Administrative Dean that the student be temporarily suspended from the college.
3. If the Administrative Dean concurs with this recommendation, the student will be temporarily suspended until a hearing can be held to determine whether the suspension should be made permanent or until certain medical conditions for reinstatement are met.
4. When a student is suspended or withdrawn for health reasons, a registration hold will be placed on the student's readmission to the college. This registration hold will remain in the student's records until the Administrative Dean approves the student's request for readmission.
5. Readmission Procedures and Appeals
 - a. A student who has had a registration hold placed on his or her readmission, preventing readmission for health reasons, must request readmission clearance from the judicial officer at least three (3) weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student may be required by the judicial officer to submit medical evidence supportive of his or her present health and emotional stability to function

properly in a college environment. The judicial officer, in consultation with other college officials, shall evaluate the student's request and supporting evidence. Primary consideration will be given to the satisfying of all conditions specified at the time of suspension or withdrawal for the readmission of the student to the college. If approval is granted for the removal of the registration hold, the student must then complete the regular readmission procedures required by the Registrar's Office.

- b. If approval for readmission is not granted, the student may appeal that decision to the Administrative Dean. The appeal must be made in writing, within five (5) college working days of the date the student was notified by the judicial officer that his or her request for readmission was denied.
- c. The Administrative Dean will inform the student that he or she is entitled to a hearing. This hearing shall be held within five (5) college working days if at all possible. The Administrative Dean or his or her designated representative will conduct the hearing. The Administrative Dean may use discretion as to the hearing procedures and may ask relevant college faculty or staff to participate. Following the hearing, the Administrative Dean shall either sustain the decision of the judicial officer, or shall overrule the decision and allow the student to re-enroll in the college. The Administrative Dean shall notify all parties of this decision, in writing, within three (3) college working days following the completion of the hearing.

Student Misconduct

College officials are charged with the responsibility for maintaining law and order on college-owned or college-controlled property and at college sponsored events. Each student is expected to act in a manner consistent with the college's functions as an educational institution. Any individual or student organization found to have committed the following misconduct while classified as a student or as a registered student organization is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. **Academic Dishonesty/Misconduct (see Academic Integrity and Disciplinary Process)**
2. **Alcohol**
 - a. Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages and/or containers, except as expressly permitted by college policy.
 - b. Being under the influence of alcohol and/or intoxication as defined by federal, state, and/or local law.
3. **Narcotics or Drugs**
 - a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance, except as permitted by federal, state, and/or local law.
 - b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and/or local law.
 - c. Being under the influence of narcotics, drugs, medicine prescribed to someone else, chemical compound or other controlled substance, except as permitted by federal, state, and/or local law.
4. **Firearms, Weapons and Explosives**

- a. Unauthorized use or possession of ammunition, firearms, or other illegal weapons on college property.
 - b. Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid or flammable object which could cause damage by fire or explosion to persons or property on college property.
 - c. Unauthorized use or possession of a “fake” gun, with or without the intent to pass it off as a real firearm.
 - d. Any use of electrical devices such as a “Taser” or “stun gun” on other students or employees without the immediate need for self-defense.
 - e. Any use of a chemical spray such as “Wasp Spray”, “Pepper Spray”, or “Mace” on other students or employees without the immediate need for self-defense.
- 5. Flammable Materials/Arson**
- a. Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used for fire.
 - b. Attempting to ignite and/or the action of igniting college and/or personal property on fire either by intent or as a result of reckless behavior which results in damage of college premises/property.
- 6. Theft, Damage or Unauthorized Use**
- a. Attempted or actual theft of property or services of the college, of other college students or other members of the college community or of the campus visitors.
 - b. Possession of property known to be stolen or belonging to another person without the owner’s permission.
 - c. Attempted or actual damage to property owned or leased by the college, of other college students, of other members of the college community or of campus visitors.
 - d. Attempted or actual unauthorized use of credit card, debit card, student identification card, cell phone, personal identification number, test number, campus connect account and/or personal check.
 - e. Alteration, forgery or misrepresentation of any form of identification.
 - f. Possession or use of any form of false identification.
- 7. Actions against Members of the College Community**
- a. Physical harm or threat of harm to self or others.
 - b. Intentional or reckless conduct which endangers the health or safety of self or others.
 - c. Behavior that disrupts the normal operation of the college including its students, faculty and staff.
 - d. Sexual misconduct that involves, but not limited to:
 - 1) Deliberate touching of another’s sexual parts without consent.
 - 2) Deliberate sexual invasion of another without consent.
 - 3) Deliberate constraint or incapacitation of another, without that person’s knowledge or consent, so as to put another at substantially increased risk of/or sexual injury.
 - 4) Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual’s academic pursuits, college employment, participation in activities sponsored by the college

or organizations, or groups related to the college or opportunities to benefit from other aspects of college life.

- e. Excessive pressure, threats or any form of conduct, coercive tactics or unwanted mental coercion techniques used to retain or recruit a student for membership in an organization/club.

8. Gambling, Wagering, Gaming or Bookmaking

Gambling, wagering, gaming or bookmaking on college premises or with college equipment as defined by federal, state and/or local law is prohibited.

9. Hazing

- a. Engaging in hazing or submitting to hazing by volition. Hazing is considered an act that endangers the mental or physical health or safety of a student for the purpose of getting into or staying in an organization including physical brutality, physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, etc., any activity involving consumption of a food, liquid, alcoholic beverage, drug or other substance that subjects the student to an unreasonable risk of harm, any activity that intimidates or threatens with ostracism, subjects to extreme mental stress, shame or humiliation and/or any activity that induces, causes or requires a student to perform a duty or task that involves a violation of the Penal Code. Hazing is a Class B misdemeanor (fine not to exceed \$1500, jail term not to exceed 180 days or both) if a person participates, permits hazing to occur or knows of a plan and fails to report. If hazing causes serious bodily injury, the offense is a Class A misdemeanor (fine not to exceed \$3000, confinement in jail not to exceed one year or both). If an offense causes death, it is a state jail felony (confinement in community correctional facility for any term of not more than 1 year; possibility of community service under community supervision in lieu of confinement in county jail; and possibility of fine not to exceed \$10,000 in addition to confinement). An organization can be fined.
- b. Initiation by an organization which includes any harmful, dangerous, or degrading act to a student.

10. False Alarms or Terroristic Threats

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers/hydrants, filing false police reports, improperly possessing, tampering with, or destroying fire equipment or emergency signs on college premises.

11. Financial Irresponsibility

Failure to meet financial obligations owed to the college, or components owned or operated by the college, including, but not limited to, the writing of checks on accounts with insufficient funds.

12. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of college premises or equipment.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, college identification card or access code for use in college premises or equipment.

- c. Unauthorized use of the college name, logotype, symbols of the college; however, registered student organizations are permitted to use the college name as part of their organizational name.
- d. Unauthorized use of the college's name to advertise or promote events or activities in a manner which suggests sponsorship and/or recognition by the college.

13. Traffic & Parking

- a. Violation of college Traffic and Parking regulations.
- b. Obstruction of the free flow of pedestrian traffic on college premises.

14. Housing Regulations

Violation of rules that govern behavior in the residence halls and/or dining halls are stated in the Residence Hall Supplement.

15. Student Recreation and Intramural Regulations

- a. Violations of rules that govern behavior in the recreation centers, including the Dorothy Garrett Coliseum.
- b. Please see Intramural Regulations for specific procedures and policies governing intramurals.

16. Failure to Comply

- a. Oral or written avocation or recommendation of conscious and deliberate violation of any federal, state, or local law.
- b. Failure to abide with a college or campus official's directive that is given within the official's acting capacity.
- c. Failure to notify the Registrar's office of change in official mailing address or giving false or fictitious address to such office.
- d. Failure to present student identification on request to any college official and/or identify himself/herself to any college official acting in the performance of his/her duties.

17. Providing False Information or Misuse of Records

Knowingly furnishing false information to the college, or to a college official in the performance of his/her duties, either verbally or through forgery, alteration or misuse of any college document, record or instrument of identification.

18. Skateboards, Rollerblades, Scooters, Bicycles or Similar Devices

- a. Use of skateboards, rollerblades, scooters, bicycles or other similar devices in college buildings.
- b. The use of these items on college premises in such a manner as to constitute a safety hazard or cause damage to college or personal property.

19. Violation of Published College Policies, Rules and Regulations

Violation of any published college policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of College Operating Policy and Board of Trustees Policy and Procedures and College Rules.

20. Violations of Federal, State and/or Local Laws

- a. Misconduct which constitutes a violation of any provisions of federal, state, and/or local laws.
- b. Conviction of Misdemeanor or Felony - Obedience to the law being a primary duty of the citizen, the conviction of a student for violation of law renders the student also subject to disciplinary action on the part of the college. Institutional authority will not be used to duplicate the function of general laws. Students

who have been convicted of misdemeanors that come to the official attention of the college can expect to have their status within Howard College reviewed if their behavior has brought discredit upon themselves, fellow students, or the college. Publicity of the behavior and association of the name of the college with the act or the student involved enhances the possibility of college disciplinary action. A student who endangers one's life or the lives of others while violating the law will be subject to disciplinary action from the college. If a student pleads guilty to a charge or is convicted of a felony offense, the student will automatically be subject to having one's status at the college reviewed and may face disciplinary action in the process.

- c. Students who are under indictment by a grand jury and have posted an appeal bond may remain in the college pending the verdict of the trial. If the college has an interest in the case, action taken by the college will be delayed until after the trial has been held. When a student's situation warrants special consideration, one's status will be reviewed as to the appropriateness of remaining on campus as a member of the student body.

21. Abuse of the Discipline System

- a. Failure to respond to an administrative official's summons within the designated time.
- b. Falsification, distortion or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the discipline system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.
- g. Harm, threat of harm or intimidation either verbally, physically or written, of a member of a disciplinary body prior to, during and/or after disciplinary proceeding.
- h. Influencing or attempting to influence another person to commit an abuse of the discipline system.
- i. Retaliation against any person or group who files grievances or provides evidence, testimony or allegations in accordance with the Student Handbook.
- j. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under the Student Standards of Conduct & Discipline Policy and/or other college policies.
- k. No student suspended from the college shall be permitted on a college campus during the entire period of the suspension, except when summoned by an administrative official of the college or by previously arranged official appointment.

22. Citizenship

- a. Bad Checks and Unpaid Bills - Each student should be honorable in all financial dealings with businesses and individuals off campus. The college views financial dealings between students and businesses as a private transaction between the two parties. The college will not collect bad checks or bad debts that students have incurred for businesses or individuals; however, businesses will be provided

with the names and addresses of students upon written request according to District Policies.

- b. Representing Howard College - Students of Howard College should remember that when groups of individuals are off campus, one's acts are viewed as the acts of Howard College students and not as the act of private individuals. Students who come to the official attention of the college as a result of misbehavior may be subject to disciplinary action. Students come to the official attention of the college in several ways. Most often, outraged citizens call a member of the administrative staff and complain about something students have done. Sometimes newspapers publish accounts of the misdeeds of Howard College students.
- c. Students Visiting Other Campuses - Students who visit other campuses are expected to be circumspect in their behavior. When it becomes necessary for an official of another school to register a complaint about the behavior of a Howard College student, that student can expect to become involved in disciplinary proceedings.
- d. Campus Visitors - Non-members of the college community, who have not been duly invited nor authorized to use college facilities, who repeatedly visit or spend a large portion of their time on the college campus, are not welcome and will be asked to leave. Loitering, by non-members of the college community, in the facilities of the college or on the college campus, substantially interferes with the normal activities of the college.
 - 1) Non-members of the college community are required while on the campus to observe and comply with the rules and regulations adopted by the college and/or Board of Trustees. Non-members of the college community are also required while on the campus to identify themselves upon the request of a college official or security officer or other law enforcement officer in the performance of his or her duty.
 - 2) The college campus is not a sanctuary and any person who violates any state law shall not be protected nor given any preferred status in the eyes of the law by reason of the fact that the violator is a member of the college community.
 - 3) When it appears to the President, or any college official who has been authorized and designated by the President to maintain order, that any non-member of the college campus has violated, on the campus, any state or federal law or any college rule or regulation, such person or persons may be ordered by such official to leave the college campus, and should the college see fit, charges may be filed against such person or persons. The President may make due application to any court for injunction or other judicial relief in regard to the threatened or actual violation of any of the above mentioned rules and regulations.

23. Tobacco/e-Cigarette Use

Smoking or other use of tobacco products and use of electronic cigarette devices is prohibited in all Howard College entrances/doorways, facilities and vehicles. Individuals must not smoke or use other tobacco products within twenty (20) feet of doorways and entrances to buildings and within fifty (50) feet of day care facilities. Prohibited products and devices include, but are not limited to, cigarettes, cigars, pipes, smokeless tobacco,

e-cigarettes, personal vaporizers, electronic nicotine delivery systems, and tobacco-like products. All materials used for smoking in designated smoking areas, including cigarette butts and matches, should be disposed of in appropriate containers.

24. Animals on Campus

Animals on campus must be on a leash or be otherwise under the direct and positive control of the owner. Animals are not allowed in the residence halls without approval of the residence hall administrator.

General Disciplinary Action

Violations of the Student Standards of Conduct refer to a student's failure to meet his/her responsibility. Violations are subject to either General Disciplinary Action or Academic Integrity Disciplinary Action, depending on the nature of the allegations. This section outlines General Disciplinary Action. See Academic Integrity Disciplinary Action for discipline procedures related to academic dishonesty/misconduct cases.

The judicial officer on each campus or their appointed official shall have primary authority and responsibility for the administration of student discipline. The Bureau of Prison disciplinary procedures will be enforced with students at Correctional Facilities. Investigations or allegations that a student has violated Board policy, college rules or regulations, or administrative official's specific orders and instructions issued in the course of official duties will be the judicial officer's responsibility or a designated appointee's responsibility.

The general disciplinary procedure follows these steps:

1. The alleged violation is reported to the judicial officer using a Student Discipline Form.
2. The judicial officer will hold separate conferences with the implicated student, the complainant, appropriate college employees, and any other individuals as needed, characterized by active listening, to understand the nature of the alleged violation. It is helpful for the judicial officer and the implicated student to discuss the circumstances and issues of the alleged violation and to identify possible resolutions.
3. After completing the preliminary investigation, the judicial officer may (a) dismiss the allegation or (b) summon the student for a discipline conference at which time the student will be informed of the charges against him/her and have the opportunity to present evidence to support his/her version of the facts. Failure of a student to report after two notices may result in discipline sanctions, including suspension from the college.
4. Following the discipline conference with the student, the judicial officer may choose to continue the investigation if facts presented during the conference warrant further review of the alleged misconduct.
5. At any point in time, and depending on the severity of the alleged misconduct, a student may be temporarily suspended from the college and/or the residence halls (if living on campus) pending completion of disciplinary proceedings, criminal proceedings, or a psychological/medical evaluation.
6. The judicial officer's ruling regarding responsibility and any consequent sanctions will be communicated in writing to the student within 10 business days following completion of the investigation.

Disciplinary Sanctions

The judicial officer has the authority to issue sanctions including, but not limited to, the following:

1. Verbal or written warning.
2. Completion of a special project which may include, but is not limited to, writing an essay, attending a special class or lecture, attending counseling sessions, or studying in the library. The special project may be imposed only for a definite time.
3. Notify parents of students who are 21 years of age or under when the student is found in violation of the Student Standards of Conduct due to alcohol and/or drugs.
4. Cancellation of residence hall or apartment contract.
5. Ineligibility for election to student office for a specified period of time.
6. Removal from student or organization office for a specified period of time.
7. Prohibition from representing the college in any special honorary role.
8. Restitution whether monetary or by specific duties or reimbursement for damage to or misappropriations of college, student, or employee property.
9. Suspension of rights and privileges, including participation in athletic, extracurricular, or other student activities, for a specified period of time.
10. Withdrawing from a course with a grade of "W" (recorded on the permanent transcript).
11. Failing or reduction of a grade in test, course, or other academic work and/or retaking of test, course, or other academic work and/or performing additional academic work not required of other students in the course (course action recorded on permanent transcript).
12. Loss of or ineligibility for student grant or loan.
13. Disciplinary probation imposed for a definite period of time, which stipulates that future violations may result in disciplinary suspension.
14. Withholding of official transcript or degree.
15. Bar against readmission.
16. Denial or non-recognition of degree.
17. Blocking a student from enrolling until the student performs a specific act.
18. Suspension from the college for a specified period of time. During suspension, a student shall not attend classes or participate in any college campus activities (recorded on the permanent transcript).
19. Expulsion from the college (recorded on the permanent transcript).

Mediation

Mediation is encouraged as an alternative means to resolve problems or disputes before beginning formal complaint procedures. College officials, including advisors and/or counselors, are available to consult with students to help mediate problems and disputes. Mediation may help facilitate quick resolutions while minimizing the need for formal complaints and lengthy, potentially unnecessary disciplinary investigations. For mediation to proceed, both parties must agree to use mediation as a means to reach resolution. To be binding in a disciplinary case, the agreement must be approved by the judicial officer.

Hold on Student Records

In pending cases that could result in disciplinary action, the judicial officer may place a hold on the student's records and notify the student in writing.

Cases Involving Criminal Charges

Students may be accountable both to local, state, or federal authorities and to the college for acts that violate the law and the Student Standards of Conduct. The college's disciplinary process will proceed without regard to criminal proceedings and their outcome.

Disciplinary Records

Disciplinary records can be shared with college officials having a legitimate educational interest in a specific disciplinary case. These records will be maintained in accordance with the Texas Records Retention Laws. Except in the cases of legally sanctioned requests, student records may be disclosed outside the college only with signed consent from the student.

Interim Suspension

At any point during disciplinary proceedings, the judicial officer may choose to notify the student that his/her right to be present on campus has been suspended. Interim suspension may be exercised to ensure the physical or emotional safety and well-being of the student and others and/or to prevent the student from engaging in any disruptive or destructive activity on property owned or controlled by the college or at any college-sponsored activity. The judicial officer may suspend a student pending completion of disciplinary proceedings, criminal proceedings, or psychological/medical evaluation. The interim suspension will become effective immediately.

Right to a meeting: A student issued an interim suspension will be given prompt opportunity to meet with the judicial officer. The conference is limited to discussion about the reliability of the information concerning the student's conduct, and whether the conduct and surrounding circumstances reasonably indicate that the student's presence poses a substantial and immediate threat to himself or herself or to others or to the stability and continuance of normal college functions.

Justifying the interim suspension: The judicial officer's disciplinary ruling must include justification for the interim suspension. The student will be allowed to return to classes and/or the residence hall following the ruling unless it is determined there is a continued threat.

Appealing an interim suspension: The student may appeal the interim suspension to the Administrative Dean. The Administrative Dean will affirm or rescind the interim suspension. If the student does not appeal the interim suspension or if the Administrative Dean upholds the interim suspension, the judicial officer will proceed with an investigation.

APPEALING DISCIPLINARY SANCTIONS

If a student disputes the facts upon which the charges are founded and/or disputes the penalty, they may request, in writing to the Administrative Dean or their designee, within ten (10) business days following notification of the judicial officer's ruling, a review of the case before a Judiciary Review Panel. Failure of the student to continue the appeal at the appropriate level and/or to comply with procedures outlined in this handbook will result in dismissal of the student's case. The appeal must state the specific grounds for appeal and should include all supporting documentation. Students have the right to appeal only once for each discipline case. Students are encouraged to meet with the Administrative Dean to explore options prior to submitting the appeal.

The Administrative Dean will convene a Judiciary Review Panel as soon as practical within ten (10) college business days following receipt of the request for a review. The Administrative Dean will communicate the following in writing to the student and to the judicial officer (at least five (5) college business days prior to the hearing):

1. Date, time, and location of the review
2. Procedures to be followed during the review
3. Deadline for submitting documentary evidence and/or list of witnesses (two (2) business days prior to the review)

The student may request in writing that the hearing be expedited as quickly as possible, waiving the minimum notification requirements.

Judiciary Review Panel

The President will appoint the chair of the Judicial Review Panel, and other members will be appointed by the chair:

- Chair: Administrative Dean or other administrator as appointed by the President
- Two staff members
- Two faculty members
- Two students

The Judiciary Review Panel will be subdivided into three panels: Big Spring, SWCD, and San Angelo. Members of the Judicial Review Panel cannot be involved in, nor have direct knowledge of, the case or the accused.

Judiciary Review Panel Hearing Procedures

The Judiciary Review Panel hearing is informal in nature and closed to the public. If a student fails to appear, the hearing will proceed as scheduled. Each party may be accompanied by a representative at the hearing for advisory purposes only. The student's representative may be a legal counselor only if the student has pending criminal charges against him/her on the same fact. If the institution uses a legal counselor, the student will be afforded the same right. The student will be notified of this intent at the time the student is notified of the hearing. However, the representative(s) may not address the panel.

The chair will introduce panel members, outline hearing procedures, and review the charges and sanctions. The student and the judicial officer will each present evidence to support their respective positions. Witnesses may be invited by the student and the judicial officer. Panel members will be allowed to ask questions of the student, judicial officer, and witnesses. The student and the judicial officer may ask each other questions, as well as question witnesses. Prospective witnesses, other than the student and the judicial officer, will be excluded from the hearing during the testimony of other witnesses. Witnesses may be charged with Student Standards of Conduct violations if it is found that they intentionally provided false information to the college. The Judiciary Review Panel has the authority to summon witnesses. Refusal to obey the summons may subject the student witness, if so recommended by the review panel, to disciplinary action by the judicial officer.

In cases where the student disputes the facts, previous disciplinary records of a student may not be used in the hearing until after determination of guilt has been made. However, if the Judiciary Review Panel finds the student guilty, the previous record may then be introduced to be considered in assessing penalties. In cases where the student appeals the penalty, previous disciplinary records may be introduced and considered at any time during the hearing.

The hearing will be conducted in a manner that is fair to all. The chair will provide reasonable time for cases to be presented, questions to be asked, and witnesses to be heard. The chair will exercise discretion in leading the hearing. The chair may exclude irrelevant, immaterial, and unduly repetitious evidence and may stop discussion that is not relevant and/or productive to the hearing. The chair may remove any person who becomes disruptive during the hearing, including the student.

Only the Judiciary Review Panel shall be present at its deliberations after the panel hearing concludes. Student members' opinions shall be heard prior to those of staff or faculty members. The panel deliberations shall not be recorded or transcribed. A secret ballot will be taken deciding (a) that the student has violated standards of acceptable conduct, as charged, or (b) that the student has not violated standards of acceptable conduct, as charged. A majority vote will control. If the Judiciary Review Panel finds that the student has violated standards of acceptable conduct, as charged, it may uphold the sanctions imposed by the judicial officer or may revise the sanctions as deemed appropriate, as prescribed under the disciplinary sanctions section of this handbook.

A written notice of the decision will be provided to the student and to the judicial officer within five (5) college business days of the Judiciary Review Panel hearing.

Record of Proceedings

A single record consisting of written notes, electronic recordings, or other method selected by the panel chair, will be made of all hearings. Such record will remain the property of the college but will be made available to the accused for review during any appeal period.

Notice to Victims of Violence

Results of directly related disciplinary proceedings may be released to the victim of a violent or non-forcible sex offense, upon written request.

Appeal Panel

If the outcome of the hearing with the Judiciary Review Panel is not to the student's or judicial officer's satisfaction, the dissatisfied party (appellant) has five (5) college working days to submit an appeal, in writing, to the Vice President of Academic and Student Affairs, chair of the Appeal Panel. The Appeal Panel will hold a conference within seven (7) college working days of the request.

The Vice President of Academic and Student Affairs serves as chair of the Appeal Panel. The panel consists of three members, including the chair. The Vice President will select faculty and/or staff members according to the case.

In general, appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the Judiciary Review Panel hearing. Specific questions for the review, which should be addressed in the written appeal, are the following:

- Were procedures outlined in the Student Handbook followed?
- If a procedural error was committed, were the rights of either party materially violated?
- Was the hearing conducted in a way that permitted both parties an adequate opportunity to present their case?
- Was evidence presented at the hearing substantial enough to justify the decision reached?

The Appeal Panel's consideration must be based on the information developed by the Judiciary Review Panel, and no new evidence shall be received by the panel. The decision will be reviewed upon the basis of the transcript or summary of the hearing. Both parties may, at the discretion of the Appeal Panel, submit oral and/or written statements to support their position. The chair will exercise discretion regarding meeting procedures.

The Appeal Panel may uphold, reject, or modify the sanctions imposed by the Judiciary Review Panel or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. The chair will notify, in writing, both parties and the chair of the Judiciary Review Panel of the decision.

Appeal to College President

If the decision made by the Appeal Panel is not to the student's or judicial officer's satisfaction, the appellant has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

COMPLAINTS ABOUT GENERAL POLICIES, PROCEDURES, FACILITIES, AND SERVICES

Procedures described in this section apply to complaints about college policies, procedures, facilities, regulations, services, etc. Students should first attempt to resolve their complaint informally by bringing the complaint to the attention of appropriate personnel and/or the Student Government Association. If the complaint is not resolved informally, the complaint should be communicated in writing to the judicial officer. A Student Complaint Form can be found on the college website. The judicial officer will oversee the process of consideration of the complaint and will involve other parties as needed to reach resolution. A written response will be provided to the student(s). Complaints may be submitted anonymously. However, in order to resolve a complaint in some cases, the complaint may not be able to remain anonymous. Permission to reveal the sources of the complaint will be obtained from the source before being revealed. If the student chooses to remain anonymous, the ability to fully resolve a complaint may be compromised, but every effort will be made to resolve the complaint.

If the student is not satisfied with the efforts or response provided by the judicial officer to resolve the complaint, the student may appeal his/her complaint to an administrator appointed by the President. This administrative officer will call a panel of two faculty, one staff, and two students to review the complaint and the proposed solution. The decision of this panel is final.

If a grievance matter is not resolved to the student's satisfaction through Howard College's internal procedures, prospective and current students who live within the State of Texas may then file their complaint with the Texas Higher Education Coordinating Board at www.thecb.state.tx.us. Out of state students may refer to the student grievance contact information for individual states which provides contact information for state education agencies.

COMPLAINTS ABOUT COLLEGE EMPLOYEES

The following process applies to complaints about an instructor or other college employee. Students are encouraged to discuss concerns and complaints with college personnel and should expect a timely and appropriate response. When possible, students should first address their concerns through informal conferences with those immediately involved; formal due process is available when informal resolution cannot be achieved.

Formal Process

Students must complete each step before proceeding to the next one.

Step 1: Meeting with Individual

Attempt to resolve the complaint immediately with the person directly involved. Bring materials pertaining to the complaint. Each individual should take notes of the meeting for mutual clarification. There may be instances when meeting with the individual is not possible. If this is the case, proceed to step 2.

Step 2: Meeting with Supervisor

If unable to resolve the complaint with the individual involved, the student must request a meeting with the employee's supervisor within 10 college business days after the first meeting. The supervisor will respond to the request by scheduling a meeting within 10 college business days to discuss the issue with the student and, if desired, with the employee. All parties should make every effort to resolve the complaint at this level.

Step 3: Written Complaint Submitted to Next Level Supervisor

If the complaint is not resolved in the meeting with the supervisor, the student must submit a formal, written complaint to the supervisor (same supervisor as in Step 2) within 10 college business days. Complaint forms are available on the college website or from the judicial officer's office. Write the complaint as briefly and succinctly as possible. This completed form must be submitted to the supervisor within 10 college business days of the meeting in Step 2. The supervisor will sign the form to acknowledge that a joint meeting has occurred. This does not constitute agreement to the complaint.

The supervisor will forward the complaint with written statements from the parties involved to the appropriate next level supervisor within five (5) college business days of the complaint having been submitted to the supervisor.

The next level supervisor will schedule a time to meet with the student. The student should bring all supporting documentation to the meeting. The next level supervisor will deliver a decision in writing within 10 college business days of the meeting.

Step 4: Appeal to Administrative Cabinet Member

If the complaint has not been resolved, the student may appeal the next level supervisor's decision within five (5) college business days to the administrative cabinet member overseeing the program involved in the complaint. The written appeal, including all supporting documentation, should be forwarded to the administrative cabinet member, who may request an appointment with the student to discuss the appeal or may choose to make a decision based

upon a review of the written documentation. The administrative cabinet member will make a decision concerning the complaint and notify the student of the decision in writing within 10 college business days of receiving the appeal. The decision of the administrative cabinet member is final.

If the complaint involves the administrative cabinet member, after attempting to resolve the complaint with the individual, a written appeal can be submitted to the college president who will make a decision concerning the complaint and notify the student of the decision in writing within 10 college business days of receiving the appeal. If the complaint involves the college president, after attempting to resolve the complaint with the president, a written appeal can be submitted to the college board who will make a decision concerning the complaint and notify the student in writing within 10 college business days of receiving the appeal.

GRADE DISPUTES

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. At the beginning of a course, students will be informed of course requirements and grading policies. Faculty shall exercise professional judgement in the application of course requirements and the awarding of grades. All grades are final except in the case of college error.

Disputes about a Grading Policy and/or Specific Assignment Grade

Students must raise questions about a grading policy and/or specific assignment grade while enrolled in the course. A student should meet with the instructor and discuss questions or objections. If a student is unable to resolve questions or objections with the instructor, an appointment should be made to discuss the matter with the instructor's supervisor. Students should document in writing what was discussed and the outcome of the discussions in case a formal Final Grade Review is later requested.

Final Grade Dispute Procedures

Meeting with Instructor and Supervisor

If a student has a question about or disputes a final grade in a course, they must contact the instructor within 10 college business days of the grade being awarded. If unable to contact the instructor, the student should contact the instructor's supervisor.

If the final grade awarded was not the grade intended by the instructor, the instructor will initiate a Grade Change Form. If the grade awarded was the grade the instructor intended, but the student believes there was an error or disputes the grade, the student must request a conference with the instructor's supervisor.

The instructor's supervisor will schedule and hold a meeting with the student within five (5) college business days. The supervisor will inform the campus instructional chain of command for consultation. Within 5 (five) college business days of the meeting with the student, the supervisor will provide written notification of their decision to the student and to the instructor.

If the outcome of the meeting with the supervisor is not to the student's satisfaction, the student may appeal their decision and request a hearing with the Grade Review Panel.

Grade Review Panel

A formal Grade Review may be requested only if the student is unable to resolve the dispute with the instructor and/or with the instructor's supervisor. Failure of the student to continue the appeal at the appropriate level and within the appropriate time frame will result in a dismissal of the student's appeal.

Appeals must be made in writing to the Administrative Dean of the student's campus. Appeals must be made within ten (10) business days following notification of the instructor's decision(s). The appeal must state the specific grounds for appeal and should include all supporting documentation. Students have the right to appeal only once for each grade dispute. Students are encouraged to meet with the Administrative Dean to explore options prior to submitting the appeal.

Within ten (10) college business days of receipt of a student's written appeal, the Administrative Dean will convene the Grade Review Panel. The Administrative Dean will communicate the following in writing to the student and to the instructor (at least five (5) college business days prior to the hearing):

1. Date, time, and location of the review
2. Procedures to be followed during the review
3. Deadline for submitting documentary evidence (two (2) business days prior to the review)

The student may request in writing that the hearing be expedited as quickly as possible, waiving the minimum notification requirements.

Grade Review Panel Hearing Procedures

The Grade Review Panel will be composed of seven members, appointed by the President, as follows:

- The Administrative Dean of the student's campus who will serve as chair
- One staff member
- Three faculty members, including at least one from a division different from the faculty member involved
- Two students

Members of the Grade Review Panel cannot be involved in, nor have direct knowledge of, the case.

The Grade Review Panel hearing is closed to the public. The chair will introduce panel members, outline hearing procedures, and review the details of the appeal. The student and the instructor will each present evidence to support their respective positions. Witnesses may be invited by the student and the instructor. Panel members will be allowed to ask questions of the student, instructor, and witnesses. The student and the instructor may ask each other questions as well as question witnesses. Prospective witnesses, other than the student and the instructor, will be excluded from the hearing during the testimony of other witnesses. Witnesses may be charged with Student Standards of Conduct violations if it is found that they intentionally provided false information to the college. The Grade Review Panel has the

authority to summon witnesses. Refusal to obey the summons may subject the student witness, if so recommended by the panel, to disciplinary action by the judicial officer.

The hearing will be conducted in a manner that is fair to all. The chair will provide reasonable time for cases to be presented, questions to be asked, and witnesses to be heard. The chair will exercise discretion in leading the hearing. The chair may exclude irrelevant, immaterial, and unduly repetitious evidence and may stop discussion that is not relevant and/or productive to the hearing. The chair may remove any person who becomes disruptive during the hearing, including the student.

Only the Grade Review Panel shall be present at its deliberations after the hearing concludes. Student members' opinions shall be heard prior to those of staff or faculty members. The panel's deliberations shall not be recorded or transcribed.

The panel may impose one or more of the following recommendations:

1. Reevaluation of the grade by the instructor.
2. Specific change to be made by the instructor.
3. Status quo.

A written notice of the decision will be provided to the student and to the instructor within five (5) college business days of the hearing.

Record of Proceedings

A single record consisting of written notes, electronic recordings, or other method selected by the panel chair, will be made of all hearings. Such record will remain the property of the college but will be made available to the student or instructor for review during any appeal period.

It is the responsibility of the panel chair to send written notification to the student, the faculty member, and the registrar of any grade change resulting from the panel's decision.

Attendance and Postponement of Grade Review Panel Hearing

The student who has been charged with a violation may request postponement of the hearing for reasonable cause. If the student chooses not to attend the hearing, the grade assigned by the instructor stands.

Appeal Panel

If the outcome of the hearing with the Grade Review Panel is not to the student's or instructor's satisfaction, the dissatisfied party (appellant) has five (5) college working days to submit an appeal, in writing, to the Vice President of Academic and Student Affairs, chair of the Appeal Panel. The Appeal Panel will hold a conference within seven (7) college working days of the request.

The Vice President of Academic and Student Affairs serves as chair of the Appeal Panel. The panel consists of three members, including the chair. The Vice President will select faculty and/or staff members according to the case.

In general, appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the Grade Review Panel hearing. Specific questions for the review, which should be addressed in the written appeal, are the following:

- Were procedures outlined in the Student Handbook followed?
- If a procedural error was committed, were the rights of either party materially violated?
- Was the hearing conducted in a way that permitted both parties an adequate opportunity to present their case?
- Was evidence presented at the hearing substantial enough to justify the decision reached?

The Appeal Panel's consideration must be based on the information developed by the Grade Review Panel and no new evidence shall be received by the panel. The decision will be reviewed upon the basis of the transcript or summary of the hearing. Both parties may, at the discretion of the Appeal Panel, submit oral and/or written statements to support their position. The chair will exercise discretion regarding meeting procedures.

The Appeal Panel may uphold, reject, or modify the decisions by the Grade Review Panel or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. The chair will notify, in writing, both parties and the chair of the Grade Review Panel of the decision.

Appeal to College President

If the decision made by the Appeal Panel is not to the student's or instructor's satisfaction, the appellant has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

ACADEMIC INTEGRITY AND DISCIPLINARY PROCESS

Howard College values academic integrity in the educational process. The Academic Integrity and Disciplinary Process is established to foster and protect one of the core responsibilities of the college which is to assess and certify students' academic achievements. When assignments and exams reflect honest efforts and valid accomplishments, credentials awarded to students can reliably and fully attest to their actual academic achievements.

Application of Policies and Procedures

The Academic Integrity and Disciplinary Process is part of the Student Standards of Conduct and Disciplinary Process that governs all students. These policies and procedures apply to students on campus, to students enrolled in distance learning courses, and to students participating in college-related experiences such as internships, clinical courses, field trips, special assignments outside of class, community service activities, etc. A student alleged to have engaged in acts of academic dishonesty/misconduct may not withdraw from a course or from the college until all allegations are resolved.

Students continue to be subject to federal, state, and local laws, and violations of those laws may also constitute violations of the Academic Integrity and Disciplinary Process. In such instances, the college may proceed with disciplinary measures independent of any legal proceeding that involves the same violation. The college may also impose sanctions independently of legal authorities, even if the legal proceedings are not resolved, or are resolved in the student's favor.

Academic Rights of Students

Students have the right

- to receive a detailed course syllabus within the first week of class;
- to receive a clear explanation of proper documentation in research assignments or projects; including, but not limited to, a definition of plagiarism;
- to timely academic evaluation that is fair and consistent;
- to engage respectfully and appropriately in the free and open expression of ideas and opinions;
- to due process in the resolution of allegations of academic dishonesty/misconduct.

Academic Misconduct

Any student found to have engaged, or attempted to engage, in any of the following conduct shall be subject to disciplinary action as set forth in these policies and procedures. An attempted violation is defined as conduct that, if successful, would constitute or result in the prohibited conduct. Academic misconduct refers to any activity that compromises academic integrity or subverts the educational process, including but not limited to the following:

1. Violation of rules contained in the course syllabus;
2. Cheating on academic work, including but not limited to the following:
 - a. Copying another student's test paper in academic work;
 - b. During a test, using materials that are not authorized by the test administrator;
 - c. Failing to comply with instructions given by the person administering the test;

- d. Possession during a test of materials that are not authorized by the person giving the test, such as class notes, specifically designed “crib” notes, and/or the utilization of electronic devices to deliver and/or receive answers. The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;
 - e. Using, buying, selling, stealing, transporting, or soliciting the contents of an un-administered test, test key, homework, solution or computer program;
 - f. Collaborating with, seeking aid or receiving assistance from, another student or individual during a test or in conjunction with other assignments without authority;
 - g. Discussing the contents of an examination with another student who will take the examination;
 - h. Divulging the contents of an examination for the purpose of preserving questions for use by another when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student;
 - i. Substituting for another person, or permitting another person to substitute for oneself to take a course, a test or any course-related assignment;
 - j. Having another person obtain an un-administered test, test key, homework solution or computer program, or information about an un-administered test, test key; homework solution or computer program;
 - k. Falsifying research data, laboratory reports, class observations, verification forms and/or other academic work offered for credit;
 - l. Taking, keeping, misplacing or damaging the property of the college, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
 - m. Possession at any time of current or previous test materials without the instructor’s permission.
3. Plagiarism - includes, but is not limited to, the appropriation of buying, receiving as a gift or obtaining by any means, material that is attributable in whole, or in part, to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting the material as one’s own academic work being offered for credit.
 4. Collusion - the unauthorized collaboration with another person in preparing written work for credit.
 5. Falsifying academic records - includes, but is not limited to, altering or assisting in the altering, of any official record of the college and/or submitting false information or omitting requested information that is required or related to, any academic record of the college. Academic records include, but are not limited to, applications for admission, the awarding of a degree and/or certificate, grade reports, test papers, registration materials, grade change forms, grade check forms, and reporting forms used by the Office of the Registrar.
 6. Misrepresenting facts to the college or an agent of the college - includes, but is not limited to, providing false grades or resumes; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or

another individual; or providing false or misleading information in an effort to injure another student academically or financially.

7. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding, or altering resource materials.

Disciplinary Actions and Due Process for Academic Dishonesty/Misconduct

Reporting Violations

All members of the college community are ethically bound to report suspected violations of academic dishonesty/misconduct. Cases should be reported to one or more of the following college officials:

- the instructor
- the Administrative Dean
- the instructional dean
- the judicial officer

If the report is received by an official other than the instructor, the official who receives the report should forward the information to the instructor as soon as possible.

When an instructor suspects or witnesses a violation of academic integrity, or receives a report of an alleged violation, the instructor shall notify the instructional dean, and meet privately and individually with the accused student(s) to discuss the allegations and review supporting evidence. The student may not withdraw from the course or from the college during the disciplinary review process. If the suspected misconduct involves a final exam, the instructor should withhold the course grade until an attempt can be made to contact the student(s) as soon as reasonably possible.

Resolution and Penalties

In consultation with the dean, the instructor may resolve the matter in one or more of the following ways:

- Dismissing the allegation;
- Issuing a written warning that further violations may result in additional penalties;
- Requiring the student to revise or replace the work in which the violation occurred;
- A grade reduction on the work in question;
- A failing grade on the work in question;
- A failing grade in the course;
- Recommending disciplinary sanctions to the judicial officer.

Within 5 (five) business days of the meeting with the student, the instructor shall provide written notification of the resolution to the student, the instructional dean for informational purposes, and to the judicial officer, for possible disciplinary action.

Due process will not be delayed because a faculty member is off-contract. In the event that the accusing faculty member is unable to participate in the investigation and/or the appeal, the dean will represent the interests of the faculty member.

Multiple offenses of academic dishonesty will result in progressively more severe disciplinary sanctions, up to and including expulsion from the college.

APPEALING SANCTIONS FOR ACADEMIC DISHONESTY/MISCONDUCT

A student found to be in violation of academic integrity has the right to appeal the instructor's decision(s) or the decision(s) made by the judicial officer. Failure of the student to continue the appeal at the appropriate level and/or to comply with procedures outlined in this handbook will result in dismissal of the student's case.

Appeals must be made in writing to the Administrative Dean of the student's campus or the college president's designee. Appeals must be made within ten (10) business days following notification of the instructor's decision(s). The appeal must state the specific grounds for appeal and should include all supporting documentation. Students have the right to appeal only once for each academic integrity violation. Students are encouraged to meet with the Administrative Dean to explore options prior to submitting the appeal.

Academic Integrity Review Panel

Within ten (10) college business days of receipt of a student's written appeal, the Administrative Dean will convene the Academic Integrity Review Panel. The Administrative Dean will communicate the following in writing to the student and to the instructor (at least five (5) college business days prior to the hearing):

1. Date, time, and location of the review
2. Procedures to be followed during the review
3. Deadline for submitting documentary evidence and/or list of witnesses (two (2) business days prior to the review)

The student may request in writing that the hearing be expedited as quickly as possible, waiving the minimum notification requirements.

Academic Integrity Review Panel Hearing Procedures

The Academic Integrity Review Panel will be composed of seven members, appointed by the President, as follows:

- The Administrative Dean of the student's campus who will serve as chair (or designee)
- One staff member
- Three faculty members, including at least one from a different division than the faculty member involved
- Two students

Members of the Academic Integrity Review Panel cannot be involved in, nor have direct knowledge of, the case or the accused.

The Academic Integrity Review Panel hearing is closed to the public. The chair will introduce panel members, outline hearing procedures, and review the details of the case. The student and the instructor will each present evidence to support their respective positions. Witnesses may be invited by the student and the instructor. Panel members will be allowed to ask questions of the student, instructor, and witnesses. The student and the instructor may ask

each other questions as well as question witnesses. Prospective witnesses, other than the student and the instructor, will be excluded from the hearing during the testimony of other witnesses. Witnesses may be charged with Student Standards of Conduct violations if it is found that they intentionally provided false information to the college. The Academic Integrity Review Panel has the authority to summon witnesses. Refusal to obey the summons may subject the student witness, if so recommended by the panel, to disciplinary action by the judicial officer.

The hearing will be conducted in a manner that is fair to all. The chair will provide reasonable time for cases to be presented, questions to be asked, and witnesses to be heard. The chair will exercise discretion in leading the hearing. The chair may exclude irrelevant, immaterial, and unduly repetitious evidence and may stop discussion that is not relevant and/or productive to the hearing. The chair may remove any person who becomes disruptive during the hearing, including the student.

A student will be found by the hearing panel in violation if the evidence presented in the hearing supports the charge(s). If, after exhaustive deliberations, the panel cannot reach a majority decision, the student will be found not in violation. A written notice of the decision will be provided to the student and to the instructor within five (5) college business days of the Academic Integrity Review Panel Hearing.

Sanctions Imposed by the Academic Integrity Review Panel

The Academic Integrity Review Panel may uphold the sanctions imposed by the instructor or by the judicial officer if the student is found to be in violation of academic misconduct. They may also recommend that the judicial officer impose one or more of the following sanctions:

- Suspension
- Expulsion
- Denial or revocation of degree or other credential

Record of Proceedings

A single record consisting of written notes, electronic recordings, or other method selected by the panel chair, will be made of all hearings. Such record will remain the property of the college but will be made available to the accused for review during any appeal period. It is the responsibility of the panel chair to send written notification to the student, the faculty member, and the registrar of any grade change resulting from the panel's decision.

Attendance and Postponement of Academic Integrity Review Panel Hearing

The student who has been charged with a violation may request postponement of the hearing for reasonable cause. The most accurate and fair review of the facts can best be accomplished when both parties (student and instructor) are present. For this reason, the student is expected to attend and to participate. If the student chooses not to attend the hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend, or for remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision will be based solely on the failure of the student to attend or participate.

Confidentiality and Records Retention

Student records of violations of academic integrity may be shared with college officials who have legitimate interest in the case. Except in cases of legally sanctioned requests, student records may be disclosed outside the college only with the student's signed consent.

Appeal Panel

If the outcome of the hearing with the Academic Integrity Review Panel is not to the student's or instructor's satisfaction, the dissatisfied party (appellant) has five (5) college working days to submit an appeal, in writing, to the Vice President of Academic and Student Affairs, chair of the Appeal Panel. The Appeal Panel will hold a conference within seven (7) college working days of the request.

The Vice President of Academic and Student Affairs serves as chair of the Appeal Panel. The panel consists of three members, including the chair. The Vice President will select faculty and/or staff members according to the case.

In general, appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the Academic Integrity Review Panel hearing. Specific questions for the review, which should be addressed in the written appeal, are the following:

- Were procedures outlined in the Student Handbook followed?
- If a procedural error was committed, were the rights of either party materially violated?
- Was the hearing conducted in a way that permitted both parties an adequate opportunity to present their case?
- Was evidence presented at the hearing substantial enough to justify the decision reached?

The Appeal Panel's consideration must be based on the information developed by the Academic Integrity Review Panel, and no new evidence shall be received by the panel. The decision will be reviewed upon the basis of the transcript or summary of the hearing. Both parties may, at the discretion of the Appeal Panel, submit oral and/or written statements to support their position. The chair will exercise discretion regarding meeting procedures.

The Appeal Panel may uphold, reject, or modify the sanctions imposed by the Academic Integrity Review Panel or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. The chair will notify, in writing, both parties and the chair of the Academic Integrity Review Panel of the decision.

Appeal to College President

If the decision made by the Appeal Panel is not to the student's or instructor's satisfaction, the appellant has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

PROHIBITION OF DISCRIMINATION OR HARASSMENT OF STUDENTS ON THE BASIS OF DISABILITY

Value Statement

Howard College seeks to maintain an educational environment free from any form of discrimination or harassment including but not limited to discrimination or harassment on the basis of disability in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA Amendments Act of 2008 (ADAAA).

Section 504 of the Rehabilitation Act of 1973, as amended provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. The ADAAA contains a similar requirement that no governmental entity may discriminate against or permit discrimination against an otherwise qualified individual on the basis of the person's disability. Harassment is considered under these laws to be a form of discrimination.

Howard College prohibits discrimination against or harassment of qualified students with disabilities on the basis of disability in connection with all academic, educational, extra-curricular, and other programs of the College, whether they take place in the facilities of the College, at a class or training program sponsored by the College at another location, or elsewhere. This policy applies whether the alleged harasser is a Howard College employee, a fellow student, a visitor to the College, or a vendor of the College.

Administrative Rule

Howard College prohibits discrimination or harassment of all forms, including but not limited to behavior such as physical, verbal, or nonverbal misconduct based on a student's disability that is so severe, persistent, or pervasive that the misconduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Nonacademic and extracurricular services shall be provided in a manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

The College shall exercise reasonable care to prevent and promptly correct discriminating or harassing behavior and shall develop preventative or corrective measures to address these behaviors.

Howard College also prohibits retaliation against anyone for reporting discriminating or harassing behavior or for participating in discrimination or harassment investigations or lawsuits.

Notice of Student Rights and Complaint Process

Any student with a qualifying disability who believes he or she has been the object of discrimination or harassment on the basis of such disability has the right to file a complaint with the Accessibility Services Coordinator.

Jim Walterhouse
Accessibility Services Coordinator
432-264-4290
jwalterhouse@howardcollege.edu

Students may also file a complaint with the United States Department of Education Office for Civil Rights by using the online complaint form at the U.S. Department of Education Office for Civil Rights website.

Resolution of a Student Complaint of Disability Discrimination or Harassment

Purpose

Section 504 of the Rehabilitation Act provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Howard College prohibits discrimination against or harassment of qualified students with disabilities on the basis of disability in connection with all academic, educational, extra-curricular, and other programs of the College, whether they take place in the facilities of the College, at a class or training program sponsored by the College at another location, or elsewhere.

This policy applies whether the alleged harasser is a Howard College employee, a fellow student, a visitor to the College, or a vendor of the College.

This Complaint resolution procedure applies to all complaints by students with qualifying disabilities who believe they have been the object of discrimination or harassment on the basis of such disability.

All complaints of alleged disability harassment or discrimination against students will be promptly investigated under the oversight of the Accessibility Services Coordinator. Howard College prohibits retaliation against anyone for reporting discriminating or harassing behavior or for participating in discrimination or harassment investigations or lawsuits.

Guidelines

Investigation Process

Every student and every person against whom a complaint is made is entitled to due process. Therefore, the college's investigation will include interviews with all relevant persons including the complainant, the alleged harasser, and other potential witnesses. The results of the investigation will determine the appropriate course of action. Howard College will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate. The College President will assign appropriate college official(s), based on the details of the complaint and the individuals involved, to conduct the investigation.

Disability Discrimination/Harassment Complaint Procedures

1. The student shall make the complaint to the Accessibility Services Coordinator: Jim Walterhouse (432-242-4290; jwalterhouse@howardcollege.edu)
2. A complaint may be submitted to the Accessibility Services Coordinator in writing or verbally, and should include dates, times, places, witnesses, and specifics of what was said and done. The complaint may also include proposed resolutions acceptable to the student.
3. The student shall also be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
4. The Accessibility Services Coordinator shall coordinate with the appropriate administrator and review the complaint. If the situation cannot be resolved through informal means, to the satisfaction of all parties, an investigator will be appointed by the College President.
5. All complaints will be promptly addressed. Based upon an initial assessment of the allegations by the Accessibility Services Coordinator and the appropriate administrator, pre-investigation measures may be temporarily taken to insure the safety and peace of mind of the student. Such measures may include, without limitation, placing the person against whom the complaint was made on paid administrative leave pending the outcome of the investigation or separating the student and the person against whom the complaint has been made. All complaints will be confidential to the extent permitted by law, and will be revealed only on a "need to know" basis (i.e. access to the information is necessary to the investigation and/or the safety of the accused and the accuser or required by law).
6. The investigator will review the written material submitted by the student and meet with the student in a private area to discuss the complaint as soon as possible but not later than ten (10) college business days after the complaint has been received. The investigator will also meet with any witnesses and secure a witness statement from each witness. The investigator may consult with the appropriate supervisor to identify alternative methods for resolving the complaint.
7. The investigator will meet with all persons with information relevant to the complaint. If the complaint is filed against an individual, the person(s) against whom the complaint was filed should be given at least three (3) college business days to review the complaint and any relevant supporting documents and to prepare a written response to the complaint prior to meeting with the investigator. At the meeting, the investigator should provide the person against whom the complaint was filed an opportunity to respond

verbally to the complaint. The person(s) may also respond to the complaint in writing, and may identify additional witnesses the investigator should interview. The investigator will determine from this meeting whether additional witness interviews are warranted and if any additional information needs to be gathered or considered.

8. After meeting with the person(s) against whom the complaint was filed, gathering any additional information or witness statements, and concluding the investigation, the investigator will make a recommendation, in writing, to the Accessibility Services Coordinator and the appropriate administrator. The recommendation will set forth the following: complaint, persons interviewed, documents reviewed, findings, conclusions, and recommendations. The investigation of the complaint should be concluded within twenty (20) business days of the receipt of the complaint.
9. If additional time is needed, the investigator shall notify the complainant and respondent. In any event, the investigation is considered “open” until the written final action document is issued.
10. The appropriate administrator, in consultation with the Accessibility Services Coordinator, will determine the final action to be taken on the complaint. The Accessibility Services Coordinator will also sign-off on the final action document indicating approval of the final action. If the Accessibility Services Coordinator disagrees with the final action determined by the administrator, the Accessibility Services Coordinator may submit a written position statement to the Vice President of Academic and Student Affairs in the event of an appeal.
11. The person(s) against whom the complaint was filed will be advised in writing of the outcome to the extent permitted by applicable federal and state law. The investigator and/or appropriate administrator may also meet with them to discuss the outcome to the extent permitted by applicable federal and state law.
12. The student who filed the complaint will also be notified in writing of the disposition of the complaint, to the maximum extent permitted by applicable state and federal law. The investigator and/or appropriate administrator will also meet with the student who filed the complaint to discuss the outcome to the extent permitted by applicable federal and state law.
13. If during the investigation a student is found to be in violation of the Student Standards of Conduct, they are subject to disciplinary sanctions as outlined in the Student Handbook.

Appeal Panel

If dissatisfied with the resolution, the person against whom the complaint was filed or the student who filed the complaint may submit an appeal, in writing, within five (5) college working days, to the Vice President of Academic and Student Affairs, chair of the Appeal Panel. The Appeal Panel will hold a conference within seven (7) college working days of the request. The panel consists of three members, including the chair. The Vice President will select faculty and/or staff members according to the case.

Appeals shall be granted only on one or more of the following grounds:

1. If there was a specified procedural error (or errors) in the interpretation of the College regulations that were so substantial as to effectively deny the party appealing a fair investigation or resolution process;

2. If new and significant evidence has become available which could not have been discovered by a properly diligent person during the original investigation; or
3. If the final action(s) is/are disproportionate to the offense for which the respondent was found responsible.

The fact that one of the parties disagrees with the outcome of the investigation does not in and of itself constitute grounds for appeal.

Failure to appeal within the allotted time will render the original finding final. The appeal will be based upon the written complaint and response contained in the investigative record. Both parties may, at the discretion of the Appeal Panel, submit oral and/or written statements to support their position. The chair will exercise discretion regarding meeting procedures. The appeal should be resolved within ten (10) college business days of the date of the filing of the appeal.

The Appeal Panel may uphold, reject, or modify the decisions made during the investigation or may require that the investigation be reopened for the presentation of additional evidence and reconsideration of the decision. The chair will notify, in writing, all involved parties of the decision.

Appeal to College President

If dissatisfied with the decision of the Appeal Panel, the person against whom the complaint was filed or the student who filed the complaint has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

PROHIBITION OF DISCRIMINATION OR HARASSMENT OF STUDENTS ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN

Value Statement

Howard College seeks to maintain an educational environment free from any form of discrimination or harassment including, but not limited to discrimination or harassment on the basis of race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964.

Purpose

Title VI of the Civil Rights Act of 1964 provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Harassment is considered under the law to be a form of discrimination.

Howard College prohibits discrimination against or harassment of students on the basis of race, color, or national origin in connection with all academic, educational, extra-curricular, and other programs of the college, whether they take place in the facilities of the college, at a class or training program sponsored by the college at another location, or elsewhere.

This policy applies whether the alleged harasser is a Howard College employee, a fellow student, a visitor to the college, or a vendor of the college.

Administrative Rule

Howard College prohibits discrimination or harassment of all forms, including but not limited to behavior such as physical, verbal, or nonverbal misconduct based on a student's race, color, or national origin that is so severe, persistent, or pervasive that the misconduct:

- Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

Howard College shall exercise reasonable care to prevent and promptly correct discriminating or, harassing behavior and shall develop preventative or corrective measures to address these behaviors.

Howard College also prohibits retaliation against anyone for reporting discriminating or harassing behavior or for participating in discrimination or harassment investigations or lawsuits.

Discrimination or Harassment

Discrimination or harassment on the basis of race, color, or national origin may be based on intentional conduct that constitutes disparate treatment of a student or may be based on disparate impact or disparate effects of a facially neutral procedure or policy.

Intentional conduct occurs when similarly situated students are treated differently because of their race, color, or national origin.

Disparate impact occurs when facially neutral procedures or policies have a disproportionate adverse effect on persons on the basis of their race, color, or national origin without substantial legitimate justification.

Notice of Student Rights and Complaint Process

Any student who believes he or she has observed or been the object of discrimination or harassment on the basis of race, color, or national origin has the right to file a complaint with the Title VI Coordinators:

Christi Mikeska, Big Spring
cmikeska@howardcollege.edu
432-264-5028

Victoria Darnell, San Angelo
vdarnell@howardcollege.edu
325-481-8300

Monica Castro, Lamesa
mcastro@howardcollege.edu
806-872-2223

Shannon Creswell, SWCD
screswell@howardcollege.edu
432-264-3777

Students may also file a complaint with the United States Department of Education Office for Civil Rights by using the online complaint form located on their website.

Investigation Process & Resolution

Every student and every person against whom a complaint is made is entitled to due process. Therefore, the college's investigation will include interviews with all relevant persons including the complainant, the alleged harasser, and other potential witnesses. The results of the investigation will determine the appropriate course of action. Howard College will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

1. Students who believe they have been the object of or observed discrimination or harassment based on race, color, or national origin have the right to make the complaint with the Title VI Coordinators identified below.

Christi Mikeska, Big Spring Campus
cmikeska@howardcollege.edu
432-264-5028

Victoria Darnell, San Angelo Campus
vdarnell@howardcollege.edu
325-481-8300

Monica Castro, Lamesa
mcastro@howardcollege.edu
806-872-2223

Shannon Creswell, SWCD
screswell@howardcollege.edu
432-264-3777

2. The complaint should be submitted in writing and include dates, times, places, witnesses, and specifics of what was said and done. The complaint may also list proposed resolutions acceptable to the student.
3. Students also shall be informed of their right to file a complaint with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/about/offices/list/ocr or by calling (800-421-3481).
4. The Title VI Coordinator shall coordinate with the appropriate administrator and review the complaint. If the situation cannot be resolved through informal means, to the satisfaction of all parties, an investigator will be appointed by the College President.
5. All complaints will be promptly addressed. Based upon an initial assessment of the allegations by the Title VI Coordinator and the appropriate administrator, pre-investigation measures may be temporarily taken to insure the safety and peace of mind of the student. Such measures may include, without limitation, placing the person against whom the complaint was made on paid administrative leave pending the outcome of the investigation or separating the student and the person against whom the complaint has been made. All complaints will be confidential to the extent permitted by law, and will be revealed only on a "need to know" basis (i.e. access to the information is necessary to the investigation and/or the safety of the accused and the accuser or required by law).
6. The investigator will review the written material submitted by the student and meet with the student in a private area to discuss the complaint as soon as possible but not later than ten (10) college business days after the complaint has been received. The investigator will also meet with any witnesses and secure a witness statement from each witness. The investigator may consult with the appropriate dean to identify alternative methods for resolving the complaint.
7. The investigator will meet with all persons with information relevant to the complaint. If the complaint is filed against an individual, the person(s) against whom the complaint was filed should be given at least three (3) college business days to review the complaint and any relevant supporting documents and to prepare a written response to the complaint prior to meeting with the investigator. At the meeting, the investigator should

provide the person against whom the complaint was filed an opportunity to respond verbally to the complaint. The person(s) may also respond to the complaint in writing, and may identify additional witnesses the investigator should interview. The investigator will determine from this meeting whether additional witness interviews are warranted and if any additional information needs to be gathered or considered.

8. After meeting with the person(s) against whom the complaint was filed, gathering any additional information or witness statements, and concluding the investigation, the investigator will make a recommendation, in writing, to the appropriate administrator and to the Title VI Coordinator. The recommendation will set forth the following: complaint, persons interviewed, documents reviewed, findings, conclusions, and recommendations. The investigation of the complaint should be concluded within twenty (20) business days of the receipt of the complaint.
9. If additional time is needed, the investigator shall notify the complainant and respondent. The investigation is considered “open” until the written final action document is issued.
10. The appropriate administrator, in consultation with the Title VI Coordinator, will determine the final action to be taken on the complaint. The Title VI Coordinator will also sign-off on the final action document indicating approval of the final action. If the Title VI Coordinator disagrees with the final action determined by the administrator, the Title VI Coordinator may submit a written position to the Vice President of Academic and Student Affairs in the event of an appeal.
11. The person(s) against whom the complaint was filed will be advised in writing of the outcome to the extent permitted by applicable federal and state law. The investigator and/or administrator may also meet with them to discuss the outcome to the extent permitted by applicable federal and state law.
12. The student who filed the complaint will also be notified in writing of the disposition of the complaint, to the maximum extent permitted by applicable state and federal law. The investigator and/or administrator will also meet with the student who filed the complaint to discuss the outcome to the extent permitted by applicable federal and state law.
13. If during the investigation a student is found to be in violation of the Student Standards of Conduct, they are subject to disciplinary sanctions as outlined in the Student Handbook.

Appeal Panel

If dissatisfied with the resolution, the person against whom the complaint was filed or the student who filed the complaint may submit an appeal, in writing, within five (5) college working days, to the Vice President of Academic and Student Affairs, chair of the Appeal Panel. The Appeal Panel will hold a conference within seven (7) college working days of the request. The panel consists of three members, including the chair. The Vice President will select faculty and/or staff members according to the case.

Appeals shall be granted only on one or more of the following grounds:

1. If there was a specified procedural error (or errors) in the interpretation of the College regulations that were so substantial as to effectively deny the party appealing a fair investigation or resolution process;

2. If new and significant evidence has become available which could not have been discovered by a properly diligent person during the original investigation; or
3. If the final action(s) is/are disproportionate to the offense for which the respondent was found responsible.

The fact that one of the parties disagrees with the outcome of the investigation does not in and of itself constitute grounds for appeal.

Failure to appeal within the allotted time will render the original finding final. The appeal will be based upon the written complaint and response contained in the investigative record. Both parties may, at the discretion of the Appeal Panel, submit oral and/or written statements to support their position. The chair will exercise discretion regarding meeting procedures. The appeal should be resolved within ten (10) college business days of the date of the filing of the appeal.

The Appeal Panel may uphold, reject, or modify the decisions made during the investigation or may require that the investigation be reopened for the presentation of additional evidence and reconsideration of the decision. The chair will notify, in writing, all involved parties of the decision.

Appeal to College President

If dissatisfied with the decision of the Appeals Committee, the person against whom the complaint was filed or the student who filed the complaint has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

PROHIBITION OF SEXUAL DISCRIMINATION OR SEXUAL VIOLENCE OR SEXUAL HARASSMENT

Executive Summary

Howard College is committed to providing timely support and assistance to victims/survivors of sexual misconduct. Howard College respects the decision of those who have experienced violence to identify as a victim or survivor. Choosing to identify as a survivor is an important part of the healing process for some who have experienced sexual misconduct. In this document, the complaining party is referred to as “victim/survivor” or as the “complainant.” This policy provides detailed descriptions of how the institution identifies and responds to such complaints. This executive summary is intended to provide a short summary of essential information for persons who need immediate assistance so they do not have to navigate the entire document. This information is also included within the document in more detail.

“Sexual misconduct” is an umbrella term that refers collectively to the below offenses that are prohibited. Those offenses are the following:

- Sexual Harassment
- Sexual Assault, which includes Non-Consensual Sexual Penetration and Sexual Touching
- Intimate Partner Violence which includes Dating Violence and Domestic Violence
- Sexual Exploitation
- Stalking
- Gender-based harassment and discrimination that is non-sexual

Students or employees who experience an incident of sexual misconduct should consider the information and resources provided below. Full definitions of the above offenses are found later in this document.

Emergency Information for Immediate Assistance

1. Confidential Support: Any student in need of immediate emotional support should contact a Howard College advising office and request to speak with a confidential counselor.
2. Reporting: Students and employees are strongly encouraged to report sexual misconduct to College authorities and to the police in order to protect themselves and others. Even if the victim/survivor does not want to make a formal incident report or file charges, he or she still may have the right to other victims’ services, including reasonable accommodations and interim protective measures in addition to support services. To file a report, any person can contact any of the following:

District Title IX Coordinator

Dr. Amy Burchett, Vice President of Academic and Student Affairs

Email: aburchett@howardcollege.edu

Phone: 432-264-5063

Campus Coordinators

Big Spring

Christi Mikeska, Dean of Student Services

Email: cmikeska@howardcollege.edu

Phone: 432-264-5028

Lamesa

Monica Castro, Director

Email: mcastro@howardcollege.edu

Phone: 806-872-2223

San Angelo

Victoria Darnell, Advisor

Email: vdarnell@howardcollege.edu

Phone: 325-481-8354 Ext. 3323

SWCD

Shannon Creswell, Judicial Officer

Email: screswell@howardcollege.edu

Video Phone: 432-242-3777

Local Police and Sheriff

Big Spring (includes HC and SWCD)

Police: 432-264-2550

Sheriff: 432-264-2244

Lamesa

Police: 806-872-2121

Sheriff: 806-872-7560

San Angelo

Police: 325-657-4336

Sheriff: 325-655-8111

Reporting to a coordinator will not result in a criminal investigation but will result in an administrative investigation to determine if this policy was violated. The local police may not share the details of reports with Howard College (however, the police must notify the District Title IX Coordinator of a report made to their office). If reporting to the police, a student should also report to a Title IX coordinator so on campus accommodations, interim protective measures and resources may be provided.

Medical Treatment and Evidence Preservation

As of January 2009, victims/survivors of sexual assault may have a sexual assault forensic exam without reporting it to law enforcement. State law allows an individual to have the sexual assault forensic exam up to 120 hours (5 days) after the sexual assault. An individual can report to law enforcement, if the person chooses to do so. In Texas, you have ten years (statute of

limitations on sexual assault) to make the report. Having a sexual assault forensic exam conducted allows an individual to preserve evidence that will be lost over time while you have time to decide how to proceed.

Victims/survivors are encouraged to report the sexual assault even if it is past the statute of limitations. The case cannot go forward with prosecution, but it is important to document the assault and the perpetrators who commit them (in addition to allowing Howard College to prevent recurrence of similar crimes, if applicable.)

In circumstances of sexual assault, if a victim/survivor does not opt for forensic evidence collection, health care providers still can treat injuries and take steps to address concerns of pregnancy and/or sexually-transmitted infection. It is important that a victim/survivor of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where she or he was assaulted within 120 hours after the incident occurred so that evidence may be preserved.

Victim/survivors of sexual assault, domestic violence, dating violence, or stalking also are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if any exist that may be useful to college investigators or local police.

Investigations

Victims/survivors who wish to pursue an investigation may choose to:

1. Contact the local police department or sheriff's department to pursue a criminal investigation.
2. File a civil complaint in a civil court. (This action may require you to obtain your own attorney.)
3. Report to the Howard College District Title IX Coordinator or a Campus Coordinator. An investigation of a campus policy violation is independent from criminal or civil investigations. The District Title IX Coordinator accepts complaints of all kinds of conduct (criminal and non-criminal) as well as conduct that occurred on and off campus.
4. Decide not to file charges or make a report for investigation. Survivors are strongly encouraged but not required to report the incident. Survivors have the right to be free from any suggestion that victims/survivors must report the crime to be assured of any other rights or resources. Campus personnel will not pressure survivors to report a crime if the survivor does not wish to report but will assist any person in filing a report with law enforcement no matter where the misconduct occurred.
5. Report anonymously online through a link provided on the College's homepage.
6. A victim/survivor may report to all of the above and have concurrent criminal and administrative investigations. Howard College will not wait for the completion of a criminal investigation to begin or conduct its' administrative investigation.

Accommodations

A victim/survivor may make a request for accommodations to the District Title IX Coordinator (or their respective Campus Title IX Coordinator). The victim/survivor does not need to participate in an investigation or file charges in order to request accommodations. The District Title IX Coordinator will work in conjunction with relevant parties to determine which measures are appropriate to ensure the victim's safety and equal access to educational programs and activities.

Accommodations include:

- Accommodations related to academics, transportation, and working environment. If an alleged perpetrator and alleged victim/survivor are enrolled in the same class, a request to drop the class without any academic penalty will be granted.
- Relocation in their on-campus job if either will bring them into proximity with the perpetrator. Survivors may also request changes to their class schedule if they have classes in common with the perpetrator.
- A "no-contact" order may be put in place between the victim/survivor and the accused party or if the accused party is a non-Howard College member, the institution should work with law enforcement to prohibit the party from entering campus property.
- Resources regarding adjustment of the work schedule or leave for employees who are victims/survivors are available through the Human Resources Department.

Policy Statement

It is the policy of Howard College (or the "college") to maintain an environment for students, employees, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College has enacted this Prohibition of Sexual Discrimination or Sexual Violence or Sexual Harassment Policy (the "Sexual Misconduct Policy" or "the Policy") to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

So that the College may continue to foster a climate of respect and security on its campuses and Howard College owned or operated sites as it relates to preventing and responding to acts of sexual misconduct, this policy has been created and serves to demonstrate the College's commitment to:

- Prohibiting all forms of gender and sex-based harassment and discrimination, defined as "sexual misconduct" by Howard College, to include sexual harassment, non-consensual sexual penetration and contact, sexual exploitation, stalking, dating violence, and domestic violence as well as gender-based harassment and discrimination that is non-sexual;
- Disseminating clear policies and procedures for responding to sexual misconduct reported to the College;
- Delivering primary prevention and awareness programs and ongoing training and education campaigns to students and employees so they may identify what behavior constitutes sexual misconduct; understand how to report such misconduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

- Engaging in investigative inquiry and resolution of reports that are prompt, fair, equitable, and independent of other investigations that may occur;
- Supporting and protecting the rights of victims/survivors and accused parties, as well as holding persons accountable for established violations of this policy;
- Providing a written explanation of the rights and options available to every student or employee that has been the victim/survivor of domestic violence, dating violence, sexual assault or stalking, regardless of whether the offense occurred on or off campus; and
- Addressing the policy's impact on contractors and visitors to Howard College facilities.

In addition, this policy:

- Identifies the College's District Title IX Coordinator and Campus Title IX Coordinators and describes their roles in compliance with guidance from the Department of Education's Office for Civil Rights and in compliance with the Clery Act.
- Identifies how students and employees can report sexual misconduct to the College confidentially and what resources are available both on and off campus to aid them, including employees' and students' rights to notify local law enforcement and their right also to decline to notify such authorities.
- Provides information about how reports are assessed, investigated, and resolved.
- Provides the College with a means to take all reasonable steps to identify harassment, prevent recurrence of any harassment, and to correct its discriminatory effects on the complainant and others, if appropriate.

Prohibition Against Sex Discrimination and Sexual Misconduct

Howard College does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

This Policy prohibits all forms of sex and gender-based discrimination, harassment, and misconduct, including non-consensual sexual penetration, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to this Policy. All of the foregoing sexual misconduct shall be referred to as "Prohibited Conduct."

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the Texas Penal Code, and other applicable statutes. This Policy prohibits sexual harassment against Howard College community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

Commitment to Address Sexual Misconduct

Upon receipt of a complaint or a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. The College’s process for investigating and responding to reported Prohibited Conduct is contained in the Investigation Process section of this document. Students or employees who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment (faculty, staff, or other employees).

Scope of Policy

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the report will be used. The Investigation Process under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

When used in this Policy, “Complainant” refers to the individual who is identified as the subject alleging to have been harmed by the Prohibited Conduct. “Respondent” refers to the individual alleged to have engaged in Prohibited Conduct. A “Third-Party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant. The roles of administrators are explained in greater detail later in this document.

Persons Covered

This Policy applies to all Howard College community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, visiting, or having any official capacity with the College or on its property.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community and prevent recurrence, if possible.

Locations Covered

This Policy applies to all on-campus conduct and some off-campus conduct, described below. The College strongly encourages reports of Prohibited Conduct regardless of location. Even if the Policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community and to prevent recurrence, if possible.

On-Campus Conduct. This Policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or controlled by the College.

College Programs. This Policy applies to conduct that occurs in the context of College employment or education programs or activities.

Off-Campus Conduct. This Policy also applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Howard College community on-campus or in any College employment or education program or activity.

Confidentiality and Privacy: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and Third-Parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in

accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information. Privacy and confidentiality have distinct meanings under this Policy.

Privacy. "Privacy" generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Student Records section of this Student Handbook.

The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA and by Texas state law. Access to an employee's personnel records may be restricted by applicable Texas and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA), the Clergy Act, and the Texas Public Information Act.

Howard College's employment policies set forth disciplinary consequences for an employee who releases confidential student information.

Confidentiality. "Confidentiality" generally means that information shared by an individual with designated authority on a campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by Texas law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Note, however, that confidential resources are required by Texas state law to notify child protective services and/or local law enforcement of any report which involves suspected or known abuse of a minor under the age of 18.

Responsible Employees and Requests for Confidentiality

A “Responsible Employee” includes any employee who: (1) has the authority to take action to redress the harassment; (2) has the duty to report to appropriate College officials sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to take action.

Certain employees have been designated by the College as Responsible Employees. This includes administrators, professional staff, and faculty members. Any other Howard College employee who receives such information shall immediately report it to a supervisor for handling in accordance with this policy.

The College requires that all Responsible Employees share a report of misconduct with the District Title IX Coordinator or a Campus Title IX Coordinator. The purpose of this requirement is to permit the College to take immediate and corrective action to respond to allegations of Prohibited Conduct.

A person may desire to report Prohibited Conduct to the College but to maintain confidentiality; if so, the District Title IX Coordinator will evaluate such requests. Where a Complainant requests that the Complainant’s name or other identifiable information not be shared with the Respondent or that no formal action be taken, the District Title IX Coordinator will balance the Complainant’s request with the College’s dual obligation to provide a safe and nondiscriminatory environment for all College community members and to remain true to principles of fundamental fairness that ordinarily provide for notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the District Title IX Coordinator will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Disclosures Required by the Clery Act

Timely Warnings. A “Timely Warning” or “Crime Alert” is a District-wide notification of a serious or continuing threat to the Howard College community. The Timely Warning does not include identifying information about the Complainant. If a report of misconduct discloses a serious or continuing threat to the Howard College community, the College will issue a District-wide timely warning or crime alert (which will take the form of an email or text message sent to the entire Howard College community) to protect the health or safety of the community.

Annual Reporting Responsibilities. The College receives federal funding, and therefore is obligated to issue publicly an Annual Security Report which identifies the number of particular types of reported crimes on campus or campus owned or controlled property, or adjacent to campus. The Annual Security Report does not include identifying information about the Complainant or Respondent.

Crime Log. The College must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography of Howard College. The crime log does not include identifying information about the Complainant or Respondent.

Options for Assistance Following an Incident of Sexual Assault

Immediate Assistance

The College is committed to treating all members of the community with dignity, care, and respect. Any community member who experiences or is affected by violations under this Policy, whether as a Complainant or a Respondent, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either the Complainant or Respondent in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As noted below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy.

Confidential Resources (Non-Medical)

The College strongly encourages all community members to make a prompt report of any incident of Prohibited Conduct to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, confidential counseling services are available for students and employees. Contact the District Title IX Coordinator for assistance:

Dr. Amy Burchett
Vice President of Academic and Student Affairs
1001 Birdwell Lane
Big Spring, TX 79720
(432) 264-5063 or aburchett@howardcollege.edu

Additional Resources:

National Domestic Violence Hotline

1-800-799-SAFE (7233)

National Suicide Prevention Hotline:

1-800-273-TALK (8255)

Nationwide RAINN (Sexual Assault) Hotline

1-800-656-HOPE (4679)

National Stalking Resource Center

<http://www.ncvc.org>

Center for Domestic and Sexual Violence

<http://ncdsv.org>

Texas Council on Family Violence

<http://www.tcfv.org>

National Coalition Against Domestic Violence

<http://www.ncadv.org>

Texas Association Against Sexual Assault

<http://www.taasa.org>

2-1-1 Texas State and local resources for life issues, food, shelter, rent assistance, childcare, counseling and more

www.211texas.org

877-541-7905

Ulifeline

www.ulifeline.org

Text "START" to 741-741 or call 1-800-273-TALK (8255)

A resource for suicide prevention, drugs and mental health.

Guide to College Student Mental Health

www.LearnPsychology.org

A comprehensive guide to help college students identify common mental health disorders, their own warning signs, when to seek treatment and how to manage them.

Howard College Security Officers and Local Law Enforcement

Howard College campuses are monitored by security personnel who may or may not be commissioned as peace officers. The college does not have a written memorandum of understanding with the local law enforcement agencies. However, the security department and college officials work closely with the local law enforcement agencies in developing policies and procedures for maintaining a safe campus environment. All disturbances, criminal activities, and suspicious activities are reported to local law enforcement authorities.

| BIG SPRING | LAMESA | SAN ANGELO | SWCD |
|---|---|--|--|
| Security 432-816-9456 | Campus Director 806-872-2223 | Security Day 325-481-8300 x3268 Night 325-277-1860 x3262 | Security Day 432-264-3781 OR 432-816-6794 (VTXT) Night 432-816-6165 (text/voice) |
| Big Spring Police 432-264-2550 | Lamesa Police 806-872-2121 | San Angelo Police 325-657-4336 | Big Spring Police 432-264-2550 |
| Howard County Sheriff 432-264-2244 | Dawson County Sheriff 806-872-7560 | Tom Green County Sheriff 325-655-8111 | Howard County Sheriff 432-264-2244 |
| Texas Department of Public Safety 432-267-5671 | Texas Department of Public Safety 432-267-5671 | Texas Department of Public Safety 325-659-6529 | Texas Department of Public Safety 432-267-5671 |

Confidential Medical Resources

Victims/survivors of sexual and intimate partner violence have medical needs regardless of if they plan to engage with the criminal justice system (or this administrative process.) A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 120 hours) following an incident of sexual assault to preserve physical and other forms of evidence, although it may be possible to obtain evidence from towels, sheets, clothes, and other items for longer periods of time. Victims/survivors are encouraged to have evidence collected in the event that they want to cooperate right away with law enforcement OR have not yet made a decision regarding making a police report, but want to have the evidence collected and saved in the event they do opt to make such a report in the future. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence.

Taking the steps to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders and/or proving that a crime of violence occurred.

Howard College does not have on-campus Student Health facilities. Victims/survivors of any of the offenses in this policy should seek help by visiting an area hospital.

Additional On-Campus & Off-Campus Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, legal assistance victim advocacy and assistance in dealing with the criminal justice system. It may be helpful for victims/survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area.

Victim Advocacy – No cost:

SAFE – Stop Abuse For Everyone

24/7 hotline. Confidential and free resources. Crisis support, safety planning, local resources, medical care, legal advocacy and counseling.

512-267-7233 (SAFE)

<http://www.stopabuseforeveryone.org/>

Legal Assistance

Legal Aid for Survivors of Sexual Assault (LASSA) – Texas Legal Services Center

Staffed by attorneys seven days a week who provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim's rights, housing, employment, immigration, education and safety planning.

1-844-303-SAFE (7233)

www.tlsc.org/sexual-assault.html

Sexual Assault Legal Services & Assistance (SALSA) – Texas Legal Services Center

Free confidential legal hotline for victims/survivors of sexual assault. Weekdays 8–5.

888-343-4414

www.tlsc.org

Texas Advocacy Project

The Hope Line addresses legal concerns related to domestic violence, sexual assault, and stalking.

Staffed by attorneys M–F, 9–5. 800-374-4673

www.texasadvocacyproject.org

Other Assistance

Trevor Project

24/7 crisis hotline for LGBTQ youth between 13 and 24 years old.

866-488-7386

www.thetrevorproject.org

Ongoing Assistance

The Title IX Coordinators at each campus site are available to assist any student, employee or individual impacted by Prohibited Conduct as a Complainant or Respondent.

District Title IX Coordinator

Dr. Amy Burchett, Vice President of Academic and Student Affairs

Email: aburchett@howardcollege.edu

Phone: 432-264-5063

Campus Title IX Coordinators

Big Spring

Christi Mikeska, Dean of Student Services

Email: cmikeska@howardcollege.edu

Phone: 432-264-5028

Lamesa

Monica Castro, Director

Email: mcastro@howardcollege.edu

Phone: 806-872-2223

San Angelo

Victoria Darnell, Advisor

Email: vdarnell@howardcollege.edu

Phone: 325-481-8354 Ext. 3323

SWCD

Shannon Creswell, Judicial Officer

Email: screswell@howardcollege.edu

Video Phone: 432-242-3777

Academic Accommodations and Interim Measures

Upon receipt of a report, the College will provide reasonable and appropriate accommodations and interim measures designed to eliminate the alleged hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College, and regardless of whether the crime is reported to Howard College or local law enforcement.

A Complainant or Respondent may request a No Contact Order or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process.

The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Range of Measures. Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied include:

- Access to counseling services and assistance in setting up an initial appointment, both on or off campus;
- Imposition of campus “No Contact Order;”
- Rescheduling of exams and assignments (in conjunction with the appropriate faculty);
- Providing alternative course completion options (in conjunction with the appropriate faculty);
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (in conjunction with the appropriate faculty);
- Change in work schedule or job assignment;
- Limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Assisting with access to medical services;
- Providing academic support services;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

Interim Suspension or Separation

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or employee or College organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the student or employee might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

A student Respondent who has been put on interim suspension has the right to a meeting within three (3) days with the District Title IX Coordinator to appeal the interim suspension. The District Title IX Coordinator reviews the appeal to determine whether the decision to put a

student on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

All employees of the College accused of Prohibited Conduct may be placed on leave at the discretion of the College.

Title IX Coordinators

Howard College is a system of campuses and other locations that are owned or controlled by the College. In order to fulfill the duties associated with this policy and resolution procedures and to ensure that students and employees impacted by Prohibited Contact have access to administrators with responsibility for this policy and resolution procedure, the District has appointed a District Title IX Coordinator to oversee compliance with Title IX, but has also appointed four Campus Title IX Coordinators who serve specific sites.

The District Title IX Coordinator is supported and assisted by the Campus Coordinators. These individuals receive appropriate and annual training as required by the Clery Act as amended by the Violence Against Women Reauthorization Act of 2013 to discharge their responsibilities.

The District Title IX Coordinator monitors the College's overall compliance with Title IX, ensures appropriate training and education, and oversees the College's investigation, response, and resolution of reports made under this Policy by working closely with the Campus Title IX Coordinators. Upon receiving reports of Prohibited Conduct, the District Title IX Coordinator oversees the Campus Coordinators to ensure that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The District Title IX Coordinator is available to advise all individuals — including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and Third-Parties — on this Policy and the Investigation Processes.

Contact information for the Title IX Coordinators is listed below. If someone is uncertain about who to contact or have a conflict or perceive bias from the Coordinator assigned to the campus, contact the District Title IX Coordinator. Any person may contact the District Title IX Coordinator in lieu of their Campus Coordinator.

District Title IX Coordinator

Dr. Amy Burchett, Vice President of Academic and Student Affairs

Email: aburchett@howardcollege.edu

Phone: 432-264-5063

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The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for overseeing institutional noncompliance with Title IX. To file a report directly with the U.S. Department of Education, use the contact information below.

The OCR office for Texas is located at:

Dallas Office
Office for Civil Rights
U.S. Department of Education 1999 Bryan Street, Suite 1620 Dallas, Texas 75201-6810
Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 800-877-8339
Email: OCR.Dallas@ed.gov

The OCR National Headquarters is located at:

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg. 400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Definitions

Sex or gender-based discrimination

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity or gender expression.

Sexual or Gender-Based Harassment

"Harassment" is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person's protected status, including sex, sexual orientation, gender identity, or gender expression. All such conduct is unlawful.

"Sexual Harassment" is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

"Gender-Based Harassment" is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

1. **Quid Pro Quo Harassment.** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.
2. **Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the Parties are alone.

- May affect the Complainant and/or third Parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- **Physical conduct**, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- **Verbal conduct**, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- **Visual conduct**, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- **Written conduct**, including letters, notes or electronic communications containing comments, words, or images described above;
- **Quid pro quo conduct**, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

This Policy is consistent with the College's commitment to academic freedom and free speech. This commitment requires that the College protect community members' expression of ideas in their teaching and learning including topics that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, and other campus-related activities.

It must be recognized, however, that this protection has its limits. This Policy defines those limits, and conduct which is found to be "harassing" is not consistent with the College's commitment to academic freedom and free speech. No member of the College community may escape responsibility for engaging in harassing conduct merely by labeling the conduct as "speech" or other expressive activity.

Sexual Assault

Non-Consensual Sexual Penetration. "Non-Consensual Sexual Penetration" is having or attempting to sexually penetrate another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated and could not have provided consent.

Sexual penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Non-Consensual Sexual Contact. “Non-Consensual Sexual Contact” is having sexual contact with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated and could not have provided consent.

Sexual Contact includes intentional contact with the intimate parts of another, causing an individual to touch their own intimate body parts, or disrobing or exposure of another’s private parts without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

Examples of behavior that would constitute non-consensual sexual penetration or contact include the following:

- Engaging in sexual activity with an unconscious or semi-conscious person;
- Engaging in sexual activity with someone who is asleep or passed out;
- Engaging in sexual activity with someone who has said “no”;
- Engaging in sexual activity with someone who is not reciprocating by body movement;
- Engaging in sexual activity with someone who is vomiting, unable to stand without assistance, or has to be carried to bed;
- Allowing another person to engage in sexual activity with your partner without his or her consent;
- Requiring any person to perform any sexual activity as a condition of acceptance into any organization affiliated with the College;
- Telling someone you will “out” them if they don’t engage in sexual activity (e.g., threatening to disclose the person’s sexual orientation without their consent);
- Having sexual contact with someone under the statutory age of consent;
- Telling someone you will fail them or give them a grade different from what they deserve if they don’t agree to engage in sexual activity; or
- Facilitating or assisting in a sexual assault including purchasing or providing alcohol or drugs to further a sexual assault.

Sexual Exploitation

“Sexual Exploitation” occurs when an individual takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:

- Prostituting another;

- Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all Parties involved or possession or distribution of any of the above when they depict a person under the age of 18 regardless of the Parties consent (possession or distribution of child pornography);
- Exposing one's genitals or inducing another to expose their own genitals in nonconsensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking

“Stalking” occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

A **course of conduct** consists of two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Cyber-stalking is a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of stalking include, but are not limited to:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a person;
- Surveillance and other types of observation, whether by physical proximity or electronic means; and
- Gathering of information about a person from family, friends, co-workers, and/or classmates.

To qualify as stalking, the conduct is not required to be sexual in nature.

Intimate Partner Violence

“Intimate Partner Violence” includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, spousal, domestic, or other intimate relationship with the Respondent. The College will not tolerate Intimate Partner Violence of any form.

Intimate Partner Violence is often referred to as dating violence, domestic violence, or relationship violence. Intimate Partner Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all sexes, sexual orientations, gender identities, and gender expressions, races and social and economic backgrounds.

Dating Violence. “Dating Violence” is physical acts of assault or threats of assault, detainment, or unwanted touching committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Whether there was such a relationship will be determined based on, among other factors, the Complainant’s and Respondent’s statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the Parties involved in the relationship.

Domestic Violence. “Domestic Violence” is physical acts of assault or threats of assault, detainment, or unwanted touching committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas; or (5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws in the State of Texas.

Definitions of Key Terms; Other Considerations

To provide clarity to all individuals as to the kinds of behavior which constitute Sexual Misconduct, the College further defines key terms which the College will use in evaluating whether Prohibited Conduct has occurred.

Affirmative Consent. “Affirmative Consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. Affirmative consent is required for any sexual activity to occur between two or more individuals. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in the sexual activity.

It shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) The Respondent’s belief in affirmative consent arose from the intoxication or

recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

The following are essential elements of affirmative consent:

- **Informed and reciprocal:** All Parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- **Freely and actively given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- **Mutually understandable:** Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- **Not indefinite:** Affirmative consent must be ongoing throughout the activity. Consent may be withdrawn by any Party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all Parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- **Not unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each Party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.
- **Age:** The State of Texas considers sexual intercourse with a person under the age of 17 to be unlawful. A person who engages in “unlawful” sexual intercourse as described in the Texas Penal Code does so without effective consent as defined by the College’s Sexual Misconduct Policy. Specifically, there is no effective consent under the College’s Sexual Misconduct Policy where one Party (the “minor”) is under the age of seventeen, and the other Party is more than three years older than the minor. Reports received that allege sexual contact with a person under the age of 17 will be reported to the local police department (or appropriate law enforcement agency if the act occurred outside of the community) as this conduct could constitute sexual abuse of children.

Force. “Force” is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

Intimidation. “Intimidation” is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

Coercion. “Coercion” is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other Party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

Incapacitation. “Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the “who, what, when, where, why, or how” of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/ or drugs impacts an individual’s: (1) decision- making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act. It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that

the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other Party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Prohibited Relationships by Persons in Authority. Sexual or other intimate relationships in which one Party engages in a supervisory or evaluative role over the other Party are prohibited. In general, this includes all sexual or other intimate relationships between students and their professors, coaches, advisors, employers, supervisors, or other College employees.

Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under the employee's supervision.

The College does not wish to interfere with private choices by adults regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students, employees (as applicable), or subordinates.

Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the Parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach, or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the College.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact Third-Parties based on perceived or actual favoritism or special treatment based on the relationship.

Any evidence that demonstrates that a person in a position of authority over another is engaging in an intimate or romantic relationship with someone whom they are teaching, mentoring, evaluating, supervising, counseling, advising, or the like shall be prima facie evidence of a violation of this policy regardless of whether the conduct is or continues to be wanted or reciprocated.

Evidence that such relationships occurred in the past will also be considered prima facie evidence of a violation of this policy.

Retaliation. Retaliation includes adverse action taken against a person for making a good faith complaint or report of Prohibited Conduct or participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

As explained below, any employee may pursue any charge of discrimination or harassment with the Texas Workforce Commission (“TWC”) or the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by the State of Texas or comparable federal law or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the TWC or EEOC.

The TWC's Civil Rights Division’s programs provide an avenue for current and former employees (or people who applied for employment) to file a complaint if they believe they have been discriminated against in an employment transaction. TWC accepts complaints if you believe the treatment you received from the employer was because of your race, color, national origin, age, religion, sex, disability, or because of retaliation for participating and/or filing another discrimination complaint and occurred within 180 days of the filing of the complaint.

Employees who believe they may have been discriminated against may get more information on filing a complaint through TWC by visiting: <http://www.twc.state.tx.us/jobseekers/how-submit-employment-discrimination-complaint>.

Reporting Policies and Protocols

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual or intimate partner violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College also strongly encourages all individuals to make a report to the College and to law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. Reports can also be made anonymously online through a link provided on the College's homepage.

The College has a strong interest in supporting survivors of sexual harassment, sexual assault, stalking, and intimate partner violence and strongly encourages all individuals or Third-Parties to report any incident to the College.

Making a report means telling a Responsible Employee what happened — in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will investigate and resolve all reports of Prohibited Conduct in a fair and impartial manner. A Complainant, a Respondent and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the Complainant, Respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

Amnesty for Alcohol or Other Drug Use or Other Conduct Violations

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials and that participants in the investigation process are forthright in sharing information.

To guard against discouraging reporting, a student who reports Prohibited Conduct in good faith, either as a victim or a witness, will not be subject to disciplinary action by the College for personal consumption or possession of alcohol or drugs or other violations of the student conduct policy (not including this Policy) at or near the time of the incident. The College may investigate to determine whether a report of Prohibited Conduct outlined in this policy was made in good faith.

The College may always initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Coordination with Law Enforcement

The College strongly encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and intimate partner violence that may also be crimes under Texas law. The Title IX Coordinators will assist a Complainant in making a criminal report with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's Policy, definitions, and burden of proof differ from Texas criminal law. A Complainant may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College may not delay conducting its own investigation unless specifically requested by law enforcement. In the event of such specific request, the College shall defer its investigation only during the time that law enforcement is conducting preliminary fact-finding, which should not exceed ten (10) days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

False Reports

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. However, when a Complainant or Third-Party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Standards of Student Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

Reports Involving Minors or Suspected Child Abuse

Under Texas law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in their professional capacity or within the scope of their employment, has knowledge of, or observes, a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the District Title IX Coordinator. The source of abuse does not need to be known in order to file a report.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Texas Child Protective Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the District Title IX Coordinator, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Texas Child Protective Services by calling 1-800-252-5400.

Investigation Procedures

Every student and every person against whom a complaint is made is entitled to due process. Therefore, the college's investigation will include interviews with all relevant persons including the accuser, the accused, and other potential witnesses. The results of the investigation will determine the appropriate course of action.

Modification of Investigation Process

The College will follow the Investigation Process described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the Investigation Process (including timelines) to ensure prompt and equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification of the Investigation Process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the Investigation Process.

Consolidation of Investigations

The District Title IX Coordinator has the discretion to consolidate into one Investigation multiple reports against a Respondent and/or cross-complaints between a Complainant and a Respondent, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Standards of Student Conduct and Disciplinary Process.

Integrity of Proceeding

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. Neither Party is permitted to record (via audio or video recording) the proceedings.

Procedures:

1. Students should report violations of this rule to the College's District Title IX Coordinator:

Dr. Amy Burchett
Vice President of Academic and Student Affairs
1001 Birdwell Lane
Big Spring, TX 79720
(432) 264-5063
aburchett@howardcollege.edu

The complaint should be as specific as possible and include dates, times, places, witnesses, and specifics of what was said and done. The complaint should also list any requested interim measures and any final resolution that is acceptable to the student.

2. Students may also report violations of this rule to any Responsible Employee, as defined in this rule, (for example, an administrator, faculty member, or supervisory staff). When a Responsible Employee is informed of an alleged violation of this rule, the Responsible Employee is required to immediately notify the Title IX Coordinator of the allegation.
3. Once a report of prohibited conduct is received, Howard College will respond promptly and investigate the report in a fair and impartial manner. Every Complainant and Respondent is entitled to due process, and Howard College will handle reports of prohibited conduct consistently with procedural guidelines developed to ensure prompt and equitable resolution of such reports. Therefore, the College's investigation will include interviews with all relevant persons including the complainant, the Respondent, and other potential witnesses. The results of the investigation will determine the appropriate course of action. Howard College will take steps to prevent recurrence of any prohibited conduct and to ensure the safety of the campus community. Both parties may be accompanied by an advisor of their choice. This applies to students and employees. An advisor is someone that provides the guidance and support. An advisor may be present in any meeting or disciplinary proceeding.
4. The Title IX Coordinator shall coordinate with the appropriate Campus Title IX Coordinator and/or other administrators and review the complaint. If the situation cannot be resolved through informal means, to the satisfaction of all parties, an investigator will be appointed by the College President. All investigators shall have appropriate and ongoing training, at least annually, regarding issues related to domestic violence, dating violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the safety of complainants and promotes accountability. Howard College shall ensure that all disciplinary proceedings, including investigations, final actions, and appeals, shall be administered by officials who do not have a conflict of interest or bias for or against the Complainant or Respondent.
5. All complaints will be promptly addressed. Based upon an initial assessment of the allegations by the Title IX Coordinator and the appropriate administrator, pre-investigation measures may be temporarily taken to insure the safety and peace of mind of the student. Such measures may include, without limitation, placing the person against whom the complaint was made on paid administrative leave pending the outcome of the investigation or separating the student and the person against whom the complaint has been made. All complaints will be confidential to the extent

permitted by law, and will be revealed only on a “need to know” basis (i.e. access to the information is necessary to the investigation and/or the safety of the accused and the accuser or required by law).

6. The investigator will review the written material submitted by the student and meet with the student in a private area to discuss the complaint as soon as possible but not later than ten (10) college business days after the complaint has been received. The investigator will also meet with any witnesses and secure a witness statement from each witness. The investigator may consult with the appropriate supervisor(s) to identify alternative methods for resolving the complaint.
7. The investigator will meet with all persons with information relevant to the complaint. If the complaint is filed against an individual, the person(s) against whom the complaint was filed should be given at least three (3) college business days to review the complaint and any relevant supporting documents and to prepare a written response to the complaint prior to meeting with the investigator. At the meeting, the investigator should provide the person against whom the complaint was filed an opportunity to respond verbally to the complaint. The person(s) may also respond to the complaint in writing, and may identify additional witnesses the investigator should interview. The investigator will determine from this meeting whether additional witness interviews are warranted and if any additional information needs to be gathered or considered.
8. After meeting with the person(s) against whom the complaint was filed, gathering any additional information or witness statements, and concluding the investigation, the investigator will make a recommendation, in writing, to the appropriate administrator and to the Title IX Coordinator. The recommendation will set forth the following: complaint, persons interviewed, documents reviewed, findings, conclusions, and recommendations. The investigation of the complaint should be concluded within twenty (20) college business days of the receipt of the complaint.
9. If additional time is needed, the investigator shall notify the complainant and respondent. The investigation is considered “open” until the written action report is issued.
10. The appropriate administrator, in consultation with the Title IX Coordinator, will determine the final action to be taken on the complaint. The Title IX Coordinator will also sign-off on the final action document indicating approval of the action report. If the Title IX Coordinator disagrees with the action determined by the administrator, the Title IX Coordinator may submit a written position to the chair of the Appeal Panel in the event of an appeal.
11. The person(s) against whom the complaint was filed will be advised in writing of the outcome to the extent permitted by applicable federal and state law. The investigator and/or administrator may also meet with them to discuss the outcome to the extent permitted by applicable federal and state law.
12. The student who filed the complaint will also be notified in writing of the disposition of the complaint, to the maximum extent permitted by applicable state and federal law. The investigator and/or administrator will also meet with the student who filed the complaint to discuss the outcome to the extent permitted by applicable federal and state law.
13. If during the investigation a student is found to be in violation of the Student Standards of Conduct, they are subject to disciplinary sanctions as outlined in the Student Handbook.

Appeal Panel

All determinations, including “not responsible findings”, may be appealed, in writing, within five (5) college working days. The written appeal should be submitted to the Title IX Coordinator who will forward the appeal to the chair of the Appeal Panel. The chair of the Appeal Panel for Title IX cases is appointed by the college president. The Appeal Panel will hold a conference within seven (7) college working days of the request. The panel consists of three members, including the chair. The chair will select faculty and/or staff members according to the case. The Title IX Coordinator will assist students with this process.

The appeal should state reasons and grounds for the appeal. Appeals are not heard in person. Failure to appeal within the allotted time will render the original finding final. The Appeal Panel may request a written response from the non-appealing party to the issue raised in the written request for an appeal. Appeals shall be decided upon the record of the original report, the written request for appeal, and any response received by the Appeal Panel.

Appeals shall be granted only on one or more of the following grounds:

1. If there was a specified procedural error (or errors) in the interpretation of the College regulations that were so substantial as to effectively deny the party appealing a fair investigation or resolution process.
2. If new and significant evidence has become available which could not have been discovered by a properly diligent person during the original investigation; or
3. If the sanction(s) is/are disproportionate to the offense for which the respondent was found responsible.

The fact that one of the parties disagrees with the finding or sanction does not in and of itself constitute grounds for appeal.

If the Appeal Panel finds grounds for appeal, then they shall consider the issues raised and information presented in the appeal. The Appeal Panel has authority to dismiss the case, change the sanction, modify the findings, or uphold the findings and sanctions. The appeal panel must base its decision on the information presented in the appeal and a review of the record in the case. The scope of the Appeal Panel’s review is limited to the grounds for appeal identified in the appeal letter. The chair will notify, in writing, all involved parties of the decision.

The imposition of sanctions is not normally deferred during the appeal process and sanctions may go into effect immediately if the District Title IX Coordinator deems it necessary. Interim measures will remain in place during the appeal process.

Appeal to College President

If dissatisfied with the decision of the Appeal Committee, the person against whom the complaint was filed or the student who filed the complaint has five (5) college working days to request, in writing, a review by the college President, who will render a final opinion within five (5) college working days.

While either Party may bring a legal representative or other advisor to the proceeding, the role of the lawyer or advisor is limited to providing advice and counsel to that Party. The lawyer or other advisor is not permitted to speak on behalf of the Party, to make arguments to the President, to cross-examine individuals, or otherwise to act in a representational capacity or as a proxy for the Party. If a Party intends to bring a lawyer or advisor, they are to provide notice of this decision in writing no less than 3 days before the proceeding. The process will not be delayed due to the unavailability of an advisor or lawyer. An advisor or lawyer may be dismissed from any part of this process for unnecessary disruption of a meeting or proceeding or if they are deemed to have intimidated or otherwise harassed a Party through verbal, nonverbal, or physical actions.

The College reserves the right to serve as a Complainant in any complaint and to bring complaints against a Respondent(s). This is unusual but can occur when the College feels there is sufficient information to proceed, but an actual Complainant either cannot or will not cooperate in this process.

Records

The Title IX Office will retain records of all reports, complaints, and decisions when the matter is resolved by Formal Resolution.

Affirmative findings of responsibility in matters resolved through Formal Resolution are part of a student's conduct record and an employee's employment file. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a formal record.

In addition to records kept by the Title IX Office, the decisions issued to students for violations of this policy are maintained in the Dean of Students Office for at least seven (7) years from the date of the incident.

Prevention and Education

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education.

Training

The College provides annual training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct as required by the Clery Act as amended by the Violence Against Women Reauthorization Act of 2013. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires the retained individual has received adequate training consistent with the College's standards.

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an educational and employment environment free from all forms of Prohibited Conduct.

CAMPUS SAFETY AND SECURITY

Howard College strives to maintain a safe and secure environment in which to work and study. Howard College is concerned about the protection of persons and property. The institution cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with the individual. Howard College provides a number of safety services, programs, and policies. Employees, students, and visitors can create a safe environment for the entire campus by working together.

Howard College strongly encourages employees, students, and others to report criminal actions and emergencies that occur on campus. Reports should be made to security personnel and to the appropriate judicial officer. Persons who are victims of crimes, as well as persons who are witnesses to crimes, will greatly enhance the success of the institution's actions by reporting incidents promptly.

Howard College campuses are monitored by security personnel who may or may not be commissioned as peace officers. The security department has working relationships with local law enforcement agencies whereby all disturbances, criminal activities, and suspicious activities are reported to local law enforcement authorities.

Annual Security Report/Clery Act

Howard College complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The primary requirements of this federal mandate are (1) disclosure of specific crime statistics, (2) maintenance of a daily crime log, (3) issuance of emergency notifications and timely warnings and (4) distribution of an Annual Security Report. Howard College's Annual Security Report contains safety and security related policy statements and procedures, as well as three years' worth of crime statistics. This report is available on the college website.

Crime Reporting

All crimes occurring on or adjacent to college property should be reported to the judicial officer or other college official. Things to report include: assaults, intimidation, vandalism, domestic violence, dating violence, stalking, sex offenses, missing persons, missing equipment or property, suspicious persons or circumstances, accidents, injuries, damaged property, etc. If you are in doubt, contact a college official.

Emergency Alert System

The Howard College emergency alert system, RAVE, allows the college to distribute critical information to students and employees quickly, wherever they are located. Emergency alerts are sent to student email accounts and to student cell phones (text message). Students are automatically enrolled in the system with the contact information on file in the Registrar's Office. Students should report any changes in contact information to the Registrar's Office. The emergency alert system is used to communicate campus emergencies, crime alerts and weather closures. It is periodically activated for the purpose of testing the system. Students will not receive unsolicited messages through the system. Names and phone numbers will not be shared with anyone else through this system.

Threats

Howard College recognizes the high cost of violent incidents and the disruptive effect they have on employees and productivity. Personal harassment (including stalking), abusive behavior, and violence are not tolerated in this workplace/educational setting.

- A. Threats (including those made by mail, over the telephone, texting, by fax, cyber social networks, or by email), intimidation, and acts of violence, with or without the presence of a weapon, will not be tolerated at Howard College. Reported violations of this policy will be investigated, documented, and may result in disciplinary actions up to and including immediate suspension and/or dismissal, and the filing of appropriate criminal charges.
- B. All employees and/or students, regardless of position and/or enrollment status, are responsible for the immediate reporting of any threats received, witnessed, or communicated to them. Employees and/or students should also report unusual or threatening behavior, even though it may not be in the form of a direct threat, when such behavior makes the employee(s) and/or student(s) fearful for their continued safety or the safety of others. Reportable threats include those made by co-workers, students, or outsiders entering the workplace/campus - such as spouse, job applicants, etc. Employees/students must make such reports regardless of the relationship of the employee to the person who initiated the threat or behavior. Reports should be made immediately, without fear of retaliation, to a supervisor, personnel management, or to any member of Howard College management. Howard College management must immediately report all incidents of threatening behavior to the Administrative Dean or designee.
- C. Nothing in this policy relieves a supervisor or manager from taking immediate action when the safety or security of employees and/or students is threatened and time is crucial. Such action may include a call to the Police, suspension, or the temporary separation of employees in the workplace. This policy does not replace routine management actions such as counseling, reprimands, or changes in work assignments, as applicable. This policy is intended for those cases of immediate and/or continuing inappropriate action(s) or threat(s) including those where normal management and personnel actions have been ineffective and the possibility of violence is such that the local Police and others need to be involved.
- D. Following a serious threat or an act of violence in the workplace, employees, witnesses, and families often suffer from stress-related ailments such as depression, anger, headaches, and continued fear. Howard College, through a group of administrators identified as the College Emergency Response Team (C.E.R.T.), will provide debriefing teams, counseling, and support as needed to those affected. These actions, provided within a 24 to 72 hour period following the traumatic event, will help to minimize the impact of an incident and prevent further violence.

Missing Students

It is the policy of Howard College to thoroughly investigate all reports of missing persons. This policy covers students residing in on-campus housing facilities. In addition, the college considers a missing child, and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed.

During the housing application and contract renewal processes, students living on campus are obligated to provide at least one emergency contact. This information is kept confidential and may only be utilized by authorized officials with emergency response job responsibilities, in the case of emergencies involving students such as death, life threatening injuries or a missing person report. Residence hall students may update their emergency contact information at any time by contacting the residence hall staff.

On-campus students have the option to designate one or more contacts to be notified within 24 hours of the determination that the student is missing. This information will be kept confidential, being accessible only to authorized campus officials and disclosed only to law enforcement personnel in furtherance of a missing person investigation. Students, employees, or other individuals receiving a missing student report should immediately contact the judicial officer with all information available regarding the missing student so that an investigation can be initiated. If the student designated a contact person, the institution will notify the contact person within 24 hours that the student is missing. Federal Law requires that the institution notify a custodial parent or guardian within 24 hours of the determination that the student is missing. The judicial officer will notify local law enforcement officials within 24 hours of the determination that a student living on-campus is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. Informing local law enforcement within 24 hours applies regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

Sex Offender Registration

Sex offenders must register with the college as required by law or court order. Information is available on the [https://records.txdps.state.tx.us/DPS WEB/Portal/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/Portal/index.aspx) web site. This website is the official internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register. For additional information on sex offenders please contact the judicial officer.

Campus Carry

As a public community college, Howard College is required by law to implement the campus carry legislation beginning August 1, 2017. Howard College takes the issue of guns on campus very seriously. The safety and security of students, employees, and visitors is a top priority. Howard College has established guidelines for Campus Carry which can be found at https://howardcollege.edu/wp-content/uploads/PDF/About%20HC/campus_carry.pdf. This site also includes Frequently Asked Questions related to this issue.

Drug-Free Schools and Communities Act

The administration of Howard College strongly believes that the abuse of alcohol and the use of illegal drugs and abuse of other drugs by faculty, staff, and students have serious effects on their ability to meet the educational goals of the college. In keeping with the requirements and meeting full compliance with the Drug-Free Schools and Campuses Regulations of the Drug-

Free Schools and Communities Act, Howard College presents the following information to all of its students.

Standards of Conduct

The unlawful possession, use, consumption, distribution, sale or manufacture of controlled substances and possession of drug paraphernalia is prohibited on any premises owned or controlled by Howard College. Under no circumstance will the college tolerate unlawful possession, use, distribution, sale, or manufacture of controlled substances, possession of drug paraphernalia, or the unlawful use of alcohol on campus or at college-sponsored activities other than as specifically approved by the Howard College president.

Disciplinary Sanctions

Students who violate these Standards of Conduct will be subject to disciplinary action up to and including expulsion, in accordance with college policy (see Student Standards of Conduct and Disciplinary Process).

Legal Sanctions

Use of illicit drugs by any person is illegal under both the state and federal statutes. Use of alcohol by persons under 21 years of age is illegal under state law. Penalties for conviction under state and federal law include incarceration and fines. Property used in connection with illegal drugs may be confiscated. Federal student loans and grants may be denied to those convicted for a violation of a criminal drug statute.

Health Risks

The use of drugs and alcohol can have a substantial and detrimental effect on health. These effects are often permanent and can lead to severe physical and psychological impairment, disability and premature death.

Programs for Students Requiring Assistance

Any Howard College student who has a drug or alcohol related problem may call upon the college for assistance. Students have access to counseling professionals for free initial screenings concerning substance use with possible referral to local agencies or community partners. While a screening tool is not a substitute for a complete evaluation, it can help identify individuals who may have a substance use disorder or symptomatic of other disorders and how to get help. Counselors can also help students find the appropriate counseling and treatment resources if needed. All counseling services at Howard College are confidential.

Health Regulations

Communicable Diseases

“Communicable disease means an illness that occurs through the transmission of infectious agent toxic products from a reservoir to a susceptible host,” according to the Texas Health and Safety Code, Sec. 81.003, et Seg. Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV), AIDS (acquired immune deficiency syndrome), AIDS-related complex (ARC), HIV infection

(human immunodeficiency virus infection), meningitis, meningococcal infections, and tuberculosis. The term “HIV infection” shall include AIDS, AIDS-related complex (ARC), and a positive test for the antibody to human immunodeficiency virus. HIV is the virus that causes AIDS (a result of HIV infection). In the event of a communicable disease at Howard College, the college works with the notifying health agency and in compliance with Texas Department of Human and Health Services and county health department recommendations and regulations.

Medical Judgement. Any decision that Howard College makes concerning a person who has a communicable disease shall be based on current and well-informed medical judgment, which includes the nature of the disease, risk of transmission to others, symptoms, and special circumstances of the person. The decision that a person poses a threat will be based solely on knowledge of the duration of the risk; nature and severity of the potential harm; likelihood the potential harm will occur; and imminence of the potential harm.

Children on Campus

Students should not bring children to the campus and then leave them unattended while involved in class, studying, or for any other campus business. Children should not attend class with their parents.

STUDENT RECORDS

Notification of Privacy Rights to Students

As established in the Family Educational Rights and Privacy Act of 1974 (FERPA), Section 438, commonly known as "The Buckley Amendment," Howard College provides students with access to their official educational records and provides an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading, or otherwise inappropriate. The college will obtain written consent, via the Student Records Release Request Form, from the student before releasing personally identifiable data from these records except for items classified as directory information. However, the college is allowed to contact the student's parents and/or legal guardians when the student is found to be in violation of the alcohol and/or drug policies within the Student Standards of Conduct and Disciplinary Process. Students may request that all or part of their directory information be withheld from the public by filing a Directory Information Restriction Request Form with the Admissions and Registrar's Office.

A part of this policy includes the intent to make the contents of the policy known to students on at least an annual basis. This will be done by announcing and publishing the policy in the Catalog and Student Handbook which can be found on the college website.

Address of Record

Students must maintain an accurate permanent address (both physical and email) with the Office of the Registrar. The address is used for official notifications.

Student Access to Educational Records

Students and former students have the right to inspect, review, receive an explanation and interpretation of, and (at their own expense) obtain copies of their education records except as excluded below. This right may be exercised by submitting a written request to the custodian of the records to which access is desired. Such requests will be honored within forty-five (45) days after the request is submitted.

Definition of Educational Records

Educational records include those records, files, documents and other materials which contain information directly related to a student and are maintained by the college or any person acting for the college except as excluded as follows:

1. Records of instructional, supervisory, administrative, and educational personnel of the college which are in the sole possession of the maker thereof and which are not accessible or revealed to any person other than a substitute.
2. Employment records of persons employed by the college but who are not in attendance in the college. Records made and maintained in the normal course of business which relate exclusively to persons in their capacity as employees are not available for use for any other purpose.
3. Records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional capacity, providing such records are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment. Such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

4. Alumni records which contain information about a student after he/she is no longer in attendance at the college and the records do not relate to the person as a student.

Custodian of Student Records

Howard College maintains records on students in various academic and administrative offices on the campuses. The Registrar is the custodian of the official educational records of each student. The Registrar is responsible for the proposal, interpretation, enforcement, and publication of general policies and procedures consistent with State and Federal Laws as they relate to student records. The chief administrative officer in each office which maintains student records of any type is responsible for the student records in that office and for the release of such information in those records.

Fee Schedule

The reproduction of records for students will be at their own expense. The charge is based on the fee schedule in the Policy Governing Public Request for College Documents.

Records Not Accessible to Students

1. If any record of a student includes information on more than one student, the student shall have the right to inspect and review only the part which pertains to him/her.
2. Students will not be granted access to the financial records of their parents or any information contained therein.
3. Students will not be granted access to confidential letters and statements of recommendation which were placed in a student's record prior to January 1, 1975, providing that such letters and statements are used solely for the purpose for which they were intended.
4. Students will not be granted access to records connected with an application to attend the college or a component of the college if that application was denied.
5. If the student has signed a Records Restriction Form, students will not be granted access to the following recommendations: (1) recommendations for admission to any educational institution, (2) recommendations for applications for employment, and (3) recommendations for receipt of an honor or honorary recognition. The general Records Restriction Forms are available online and on file in the office of the registrar on each campus. A student may cancel the records restriction request by submitting written notice to the custodian of records; however, if a student chooses to revoke their restriction request, they will not become entitled to access recommendations prepared and included in their records during the time the restriction request was in effect.
6. Specific policies regarding medical and counseling records are available upon request in the office of the registrar on each campus.

Student Record Release Policy

Howard College will not permit access to or release education records or personally identifiable information (other than directory information) without the written consent of the student to anyone other than those listed below and then only upon the conditions listed. Students who wish to have information released from their records should file a Student Records Release Request form with the Admissions and Registrar's office.

Directory Information

Information in the following categories may be routinely made public by the college unless the student informs the college that any or all of the information designated should not be released without the student's prior consent. Requests for the restricted release of directory information should be filed in the Admissions and Registrar's office. Directory information is:

1. Student's name, address, telephone listing (both local and permanent)
2. Date and place of birth
3. Major field of study
4. Participation in officially recognized activities and sports
5. Weight and height of members of athletic teams
6. Dates of attendance
7. Classification and enrollment status (full-time or part-time)
8. Degrees, honors and awards received
9. Most recent previous educational agency or institution attended
10. Photograph
11. E-mail address

Students will be notified upon admission of their right to request that any and all directory information not be released publicly to anyone other than persons authorized by the college's student record release policy without their written consent. Such requests will be made on the Student Records Release Request Form to be obtained and filed at the Registrar's office. No other office should issue directory information unless they have first checked with the Registrar.

Parties to Whom Educational Records May Be Released Without the Student's Written Consent:

1. Officials of Howard College who have legitimate educational interests. A college official is a person employed by the college in an administrative, supervisory, academic or research, or support staff position (including law enforcement/security); a person or company with whom the college has contracted (such as attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student/employee serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
2. Officials of other institutions in which the student seeks to enroll.
3. Authorized representatives of federal and state agencies in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of federal requirements of such programs, provided that data collected shall be protected so as not to permit personal identification of students and such information will be destroyed when no longer needed for audit, evaluation, or enforcement purposes.
4. State and local officials or authorities to whom such information is required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
5. In connection with a student's application for or receipt of financial aid.

6. Organizations conducting studies for educational agencies for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, providing such studies do not permit the personal identification of students and the information is destroyed when no longer needed.
7. Parents of a student under the age of 21 when the student is found in violation of the Student Standards of Conduct and Disciplinary Policy for either alcohol and/or drugs.
8. Parents of a dependent student as defined by the Internal Revenue Service. The college assumes that a student is independent unless proof to the contrary is presented. Requests for the release of information to the parents of a dependent student can be honored only in the event of specific requests for information each time information is desired, with the exception that standing requests will be honored for the release or receipt of a students' grades and bills for semester tuition and fees to be sent to the student's parents rather than the student. Copies of grades and bills will not be sent to both the student and the parent.
9. Accrediting organizations in order to carry out their functions.
10. To appropriate persons in connection with an emergency if, in the opinion of the president, a vice president, or a dean, such information is necessary to protect the health or safety of the student or other persons and is in accordance with federal guidelines regarding the release of information for health or safety emergencies.
11. Information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena.
12. Information that results from a disciplinary hearing where the student is the perpetrator of a crime of violence or a non-forcible sex offense. Under this exception, the information may be released to anyone, including the media. No information on the victim or witnesses may be released.

Student's Right to Challenge Content of Records

Students have the right to challenge the content of their educational records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. They have the right to have corrected or deleted any such inappropriate data contained therein, and to insert into such records a written explanation respecting the content of such records. Students who wish to exercise these rights should submit a written request to the custodian of the record(s) in question.

The custodian of the record may attempt to settle the dispute over the contents of the records with the student through informal meetings and discussions which will be held within a reasonable period of time after the request is submitted.

Formal hearing procedures may only be necessary when informal means are not satisfactory to the student or the custodian of the record in question. If a formal hearing is requested, the President or his/her designate shall conduct the hearing and render a decision within a reasonable period of time following the request. The student and the custodian of the record shall be afforded full and fair opportunity to present evidence relevant to the issue raised. The decision of the President or his/her designate is final and shall be presented in writing, to all interested parties.

Creation, Permanence, and Destruction of Records

The custodian of each record will abide by policies for reviewing and destroying records. These recommendations will be reviewed by the President and appropriate administrators. This review will insure compliance with Federal and/or State Records Management Policies and the following recommended guidelines:

1. Only such records as are demonstrably and substantially relevant to the educational purposes of the institutions or department shall be generated or maintained.
2. Permanent retention of student records is limited to those records which are of long range value to the individual and/or to the college.

All duplicate copies of permanent records, other than those maintained by the custodian of the permanent record, and all non-permanent student records shall be maintained only for the minimum period of time required to serve the basic official functions of the individual or department generating or maintaining them. Such records shall be destroyed as soon as they are no longer needed and, unless an exception is permitted by the President or administrator, may not be retained for more than seven years after a student departs from the college. If a student has requested access to his records, such access must be granted prior to the destruction of any materials contained in his record.

Complaint Procedures

The college intends to comply fully with the requirements of state and federal laws as they relate to student records. Students who feel that their rights have been abridged are encouraged to attempt to resolve the matter with the college district.

If the student's concerns are not satisfied by the college, he/she may file a complaint or report a violation of the rights afforded by federal law by contacting:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Such complaints must be received within 180 days from the date of the alleged violation, unless the time is extended by the governing department.

STUDENT FINANCIAL AID

General Information

Howard College provides financial assistance to help make the benefits of higher education available to qualified students. Federal and state grants, scholarships, federal student loans, and federal and state work-study programs are administered through the Financial Aid Office. Students requesting financial aid must have their eligibility established each year. Financial aid files received before March 15 for the fall semester or October 1 for the spring semester will receive priority. The deadline for the fall semester is July 1 and October 1 for the spring semester. Information received after the deadline may not be processed in time to pay tuition and fees for the upcoming semester. Students needing assistance in completing the financial aid application should see their campus financial aid representative.

Students are strongly encouraged to review the terms and conditions of financial aid and to direct questions to the Financial Aid Office concerning eligibility criteria, terms, rights, privileges, cost of attendance, refund policy for aid recipients, method of financial aid payment, satisfactory academic progress, and other questions related to the financial aid process. More specific information and details on student financial aid can be found in the Catalog.

Federal Student Aid, an office of the U.S Department of Education, ensures that all eligible Americans benefit from federal financial assistance. Contact information is below.

U.S. Department of Education
School Participation Team
1999 Bryan Street Suite 1620
Dallas, TX 75201
1-800-4-FED-AID

<https://www2.ed.gov/about/contacts/gen/index.html#financial-aid>

STUDENT ACCESSIBILITY SERVICES

It is the policy of the Howard County Junior College District to comply with the requirements of the Americans with Disabilities Act (ADA) and Section 504, Subpart E of the Rehabilitation Act of 1973 unless such action shall pose an undue burden or would result in a fundamental alteration of programs of the district.

Procedures and Documentation

Services for students with disabilities are available through the office of the campus Accessibility Services Coordinator. Students must present official documentation of qualifying disabilities in order to request accommodations. Qualifying students should contact the campus Accessibility Services Coordinator to start the process. Students must complete an Academic Accommodation Request Form. The campus Accessibility Services Coordinator will meet with the student to determine reasonable, appropriate, and effective accommodations based on the disability and courses. Accommodations are determined each semester based on the courses taken.

The Accessibility Services Coordinators will maintain the files of students who provide information. Files are strictly confidential and their content inaccessible unless a student gives permission for disclosure. When asked, the Accessibility Services Coordinator will only verify that a file exists and that the accommodations sought are supported by the documentation.

Coordinators

The following positions are designated Accessibility Services Coordinators for the college:

- Director of Student Success, SWCD – District Accessibility Services Coordinator
- Director of Human Resources – Employee Coordinator
- District Chief Operations and Safety/Security Officer – Facilities Coordinator
- Accessibility Services Coordinator – Big Spring, Lamesa, San Angelo, SWCD

Student Rights

- To have equal access to educational programs, services and activities.
- To request reasonable accommodations.
- To be permitted to discuss problems related to his/her accommodation/s with the Accessibility Services Coordinator and, if necessary, to seek redress through appropriate administrative channels.

Student Responsibilities

- To schedule a meeting with the Accessibility Services Coordinator to discuss the nature and impact of his/her disabilities.
- To provide notice for all accommodation requests and a class schedule at least 10 days before the first day of classes.
- To provide appropriate documentation of disability.
- To initiate all requests for services and/or accommodations through the Accessibility Services Coordinator.
- To provide for his/her own personal, independent living needs and other personal disability-related needs.
- To comply with college ADA guidelines.

College Rights

- To determine the appropriateness of documentation and requests for accommodation on a case-by-case basis, using the professional judgment of the Accessibility Services Coordinator.
- To request additional information and/or documentation to determine eligibility for services.
- To share relevant information regarding the student's disability with those who have a legitimate educational interest.
- To deny a request for accommodation or withdraw an accommodation when a student fails to meet the college's academic and institutional criteria.

College Responsibilities

- To reduce or eliminate physical, academic, and attitudinal barriers.
- To assure that every student receives an equal level of service and expertise from the college, regardless of campus or type of enrollment, by systematizing intra-campus communication and support.
- To serve as an advocate for students with disabilities and to ensure equal access.
- To consult with faculty regarding academic accommodations and compliance with legal responsibilities.
- To develop written policies and guidelines regarding procedures for determining and accessing "reasonable accommodations."
- To provide services that are based on the institution's mission and/or service philosophy.
- To prohibit discrimination against qualified individuals with disabilities.
- To assure the safety and confidentiality of all documentation related to student's disabilities.

Faculty Rights

- Classroom Behavior - All college students must adhere to the Student Standards of Conduct. Infractions of these standards should be directed to the judicial officer. The judicial officer will consult with the Accessibility Services Coordinator regarding students with disabilities who violate the Student Standards of Conduct.
- Written Agreements - Faculty members may request a written agreement before allowing any student to tape or otherwise record a class.
- Challenge of Accommodations - A faculty member has the right to challenge an accommodation request with the appropriate Dean and campus Accessibility Services Coordinator if he/she believes the student is not qualified and/or if the accommodation would result in a fundamental alteration of the class.

Faculty Responsibilities

- Instructor Notification Form - Faculty should not provide academic adjustments for a disability without a notice from the Accessibility Services Coordinator certifying that the student is qualified to receive services and identifying the nature of the accommodations.
- Referral to the Accessibility Services Coordinator - If a student notifies a faculty member that he/she has a disability or takes documentation to the instructor, it is the faculty member's responsibility to refer the student with his/her documentation to the appropriate Accessibility Services Coordinator. If a student is not performing up to standards and the instructor thinks the student may have a learning disability, he/she should refer the student to the Accessibility Services Coordinator.

- Faculty members must consult with the Accessibility Services Coordinator, not the student, if there are questions or concerns about designated accommodations.

Reasonable Modification

Howard College, pursuant to section 504 of the Rehabilitation Act, will make every effort to provide “reasonable modification” in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability. The college is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The decision that compliance would result in such alteration or burdens must be made by the president or designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion.

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others. “Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk

Community Resources

Highland Council for the Deaf

Highland Council for the Deaf is an agency in Big Spring that provides interpreting services, message relay services, information and referral. These services are available to students residing in the Big Spring community.

Texas Workforce Commission - Vocational Rehabilitation Services

The Vocational Rehabilitation Services Division of the Texas Workforce Commission provides services for people with disabilities to help them prepare for, obtain, retain or advance in employment.

Service Animals

The college seeks to accommodate persons with disabilities who demonstrate the necessity of a service animal and will follow the regulations as detailed in the Americans with Disabilities Act (ADA).

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications,

calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act. Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

Where Service Animals are Allowed. Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

Service Animals Must Be Under Control. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charged, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.

- Staff are not required to provide care or food for a service animal.

Live-In Assistance Animals

Howard College recognizes the importance of assistance animals for certain residents with *qualifying* disabilities. This policy provides on-campus residents with a *documented disability* the reasonable accommodation to have a live-in assistance animal in the residence hall. This accommodation is meant to allow for full participation and equal access to the residential experience. Set forth below are specific requirements and guidelines concerning the appropriate use of and protocols associated with Assistance Animals in our residence halls. Howard College reserves the right to amend this policy as circumstances require with notice posted for the residents.

Distinction between Service Animal and Assistance Animal

Assistance Animal. “Assistance Animals” (also known as emotional support, comfort or therapy animals) are animals that enable a person with a disability an equal opportunity to use and enjoy student housing by alleviating the symptoms of the disability. There must be an identifiable relationship between the disability and the assistance the animal provides. Unlike a Service Animal, an Assistance Animal might not be trained to perform a specific function or task and it does not accompany a person with a disability at all times. Although Assistance Animals may be considered for limited access to student housing, they are not permitted in other areas of the college (e.g. libraries, academic buildings, classrooms, labs, student center, etc.).

Additional Definitions

Pet - A “Pet” is an animal kept for ordinary use and companionship. A pet is not considered an assistance animal and is not covered by this policy. Residents are not permitted to have pets in the residence halls, this includes aquatic fish.

Approved Animal - An “Approved Animal” is an Assistance Animal for use in the residential environment that has been granted as a reasonable accommodation due to the impact of the Handler’s disability.

Handler - The “Handler” is the student who has requested the accommodation and has received approval to bring the Approved Animal into the residence halls.

Exceptions and Exclusions

The housing department at Howard College may place restrictions on, and may exclude, an Assistance Animal. Restrictions or exclusions will be considered on a case-by-case basis. An animal may be excluded if:

1. It is out of control and effective action cannot control it or is not taken to control it;
2. Its size is prohibitive in relation to the size of the residence hall;
3. It is not housebroken;
4. It poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications. An animal with a history of biting or aggression may be considered to pose such a threat;
5. Its presence fundamentally alters the nature of programs, services, or activities in student housing;
6. It barks, whines, howls, or makes other noises in an excessive, continuous fashion so as to interfere with the reasonable use or enjoyment of the residence hall.

7. The Residence Hall is never required to accept snakes, reptiles, ferrets, rodents, sugar gliders or spiders since these animals cannot meet vaccination requirements to be certified disease free. The Centers for Disease Control and Prevention (CDC) indicated that assistance animals should be limited to those that cannot possibly transmit zoonotic disease. Zoonotic diseases are infectious diseases that can be naturally transmitted from animals to humans.
8. Other reasons as may be determined by the department.

Conflicting Health Conditions

Students with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the housing coordinator immediately. The Handler and Approved Animal may be moved to a different room if another resident of the current apartment or surrounding apartments are affected by the animal at any time with 48 hours' notice. The student with the medical condition may also be asked to change rooms instead of the Handler and the Assistance Animal with 48 hours' notice. The discrepancy of who moves will be that of the housing coordinator.

Non-Health Condition Reassignment Request

All roommates of the Handler must sign an acknowledgement of the Approved Animal assigned to qualifying roommate(s). In the event that one or more roommates do not approve of the conditions, either the Handler and Approved Animal or the non-approving roommates may be moved to a different location with a 48 hours' notice. This provision is only applicable for students residing in a shared room and/or apartment.

Handler's Responsibilities in Student Housing

1. The Handler must complete an **Assistance Animal Registration Form** for the approved animal. **Any student found harboring (giving food, shelter or water) to an unapproved animal will be fined \$200 per violation even if the approval is granted at a later time.**
2. The Handler is responsible for assuring that the Approved Animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.
3. The Handler is liable and responsible for the actions of the Approved Animal including bodily injury or property damage. The Handler's responsibility covers but is not limited to cleaning or replacement of furniture, carpet, windows, and wall covering. The Handler is expected to cover these costs at the time of repair.
4. The Handler is responsible for any expenses incurred for cleaning beyond standard cleaning or repairs to the college student housing facilities that are assessed after the student and animal vacate the residence. As with all accounting processes, Howard College will bill the Handler's student account.
5. The Handler must notify the housing department in writing if the Approved Animal is no longer needed or is no longer in residence. To replace an Approved Animal, the Handler must file an updated Assistance Animal Registration Form.
6. The Handler's residence may be inspected for fleas, ticks or other pests during normal Health and Safety Inspections or as needed. If fleas, ticks or other pests are detected, the residence facility will be treated using approved fumigation methods by a college-approved pest control service provider. The Handler will be billed for the expense of any pest treatment beyond standard pest management in the residence facility.
7. Due to maintenance or other Housing staff needing to occasionally enter student rooms, it is imperative that the Approved Animal is housed in an appropriate enclosure or kennel within

the students assigned room at all times while the Handler is away. The enclosure must be of an appropriate size for the animal. Caged and kenneled animals are to be kept in appropriate cages with flooring and liner to prevent any damage to floors and to allow sanitary removal of pet waste.

8. Approved Animals may only be left unattended in the handler's assigned room. **Approved Animals may not be left overnight in a residence hall to be cared for by another student. Animals must be taken with the student if they leave campus for a prolonged period - dogs especially should not be left for long time periods unattended throughout the day.**
9. Housing officials have the ability to relocate Handler and Approved Animal as necessary according to current contractual agreements.
10. The Handler understands reasonable accommodations which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.
11. The Handler agrees that Assistance Animals are not allowed indoors on the campus other than in the Handler's assigned residence hall.
12. The Handler understands that Howard College reserves the right to remove an animal that is unruly or disruptive (e.g. barking, running around, bringing attention to itself, jumping up on people, whining, squawking, scratching, chewing, being aggressive or not being properly housebroken).
13. Should the Approved Animal be removed from the premises for any reason, the Handler is expected to fulfill his/her housing obligations for the remainder of the housing contract.
14. Care and supervision of the animal are the responsibility of the Handler who benefits from the Approved Animal's use. The Handler is responsible for the health and hygiene of the animal, including daily grooming and occasional baths as may be required to keep animal odor to a minimum. Handlers should not use the sinks or showers in the residence hall to bath the Approved Animal.
15. The Handler is also responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by Howard College. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in an outside trash receptacle. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces. Failure to clean up the waste of your Assistance Animal will result in a \$50 fine per incident. Repeated incidents may also result in additional fines and removal of the Approved Animal.
16. In accordance with local ordinances and regulations the Approved Animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Cats should have the normal shots required for a healthy animal. Local licensing requirements must be followed.
17. Handler and Approved Animal must comply with all federal, state, county, city laws, policies and ordinances.
18. When outside the Handler's room, the Approved Animal must be on a leash, if appropriate for the animal, at all times unless the leash would inhibit the animal's ability to be of service.
19. Cruelty to animals is a violation of policy. Beating, neglecting, or otherwise harming an animal in your care will result in the animal being removed.
20. Animals are not allowed in common areas. The Approved Animal is to remain in the Handler's room unless it is to take the Approved Animal outside to eliminate waste. If the Approved Animal must leave the Handler's room, all policies listed above still apply.

21. Other Conditions: Howard College may place other reasonable conditions or restrictions on the Approved Animals depending on the nature and characteristics of the animal.
22. Any violation of the above rules may result in immediate removal of the animal from Student Housing and may be reviewed through the judicial process.

Procedure for Requesting Housing Accommodations

Assistance Animals may not be brought into the student housing facility without written approval of the Campus Accessibility Services Coordinator. The Campus Accessibility Services Coordinator will consult with the Housing Coordinator prior to rendering a decision on the request.

1. The qualifying student must submit the Assistance Animal Registration Form to the Campus Accessibility Services Coordinator no later than 15 business days prior to the assistance animal's arrival. Failure to complete in this time frame will result in the handler providing temporary, off-campus habitation and care.
2. The handler must complete the registration process each academic year for the Approved Animal to remain eligible to live in the residence halls.

STUDENT HOUSING REQUIREMENTS AND POLICIES

General Residence Hall Policies

Residence hall living provides students the opportunity to further individual educational development through social interaction with fellow students. The college maintains its residence halls in the belief that the experience in group living and self-discipline which they afford is wholesome, contributes to academic achievement, and helps materially in the development of a mature responsible person. Additionally, the college reserves the right to refuse, change, or cancel housing assignments in the interest of order, health, safety, or discipline.

The welfare of all students living in the residence halls makes it necessary for each individual to observe those principles generally accepted as proper for group living. Questions concerning residence hall policy will be answered by the Dean of Student Services Big Spring and the Dean of Student Affairs SWCD each of whom is authorized to administer residence hall policies and procedures. All residents are encouraged to bring suggestions to the attention of those in authority, whose desire is to create and maintain in the college residence facilities, the best possible conditions for the optimum development of individual personality with a minimum of artificial restriction on individual freedom. The Residence Hall Supplement to the Student Handbook outlines specific residence hall policies and procedures.

Schedule

Residence Halls are open during the Fall, Spring and Summer terms. Please contact the Residence Hall Director for move-in and move-out dates for each term. Special arrangements to live in the Residence Hall during mini sessions or Holidays are handled on a case by case basis. Please contact the Residence Hall Director for more information.

Holidays

Residence halls are closed during the Winter Break and Spring Break and residents are expected to vacate the residence halls. Please contact a Residence Hall Director for closure details and dates. The college is not responsible for any personal belongings which are left in rooms.

Residency Requirements and Exceptions

1. All non-Howard County students enrolled at Howard College Big Spring or SWCD in 12 hours or more are required to live in college residence halls unless they meet one of the exemptions established. Release from living in the Residence Halls is not automatic. All students meeting one of the exemptions and wishing to live off campus must submit a completed Request for Exemption Form to the Dean Student Services (on the Big Spring campus) or the SWCD Dean of Student Affairs (on the SWCD campus) prior to making arrangements to live off campus:
 - a) Completed 30 or more semester hours of postsecondary education;
 - b) Living with blood relative;
 - c) Married;
 - d) Job requires them to live at the place of their employment;
 - e) Health or emotional reasons;
 - f) Housing is filled;

- g) 21 years of age or older;
 - h) Extenuating circumstances which would result in extreme hardship for the student to live in a residence hall.
2. Students enrolled in less than 12 hours who wish to live in the residence halls must gain approval from the Dean of Student Services.
 3. Permission from the SWCD Dean of Student Services is required for students who want to reside in the residence halls for the third year to complete their studies.

Board Requirements and Exceptions

Students living in the residence halls are required to purchase a meal plan. Students requiring a special diet must take a physician-prescribed food list to the Director of Food Service to determine if the cafeteria can provide meals within the diet. Approved diets are provided for students at no extra charge. Those residents with special religious dietary requirements are given as much consideration as possible. Students requesting a Board Exemption should submit a written request to the Dean of Student Services (on the Howard College Big Spring campus) or the SWCD Dean of Student Affairs (on the SWCD campus). A doctor's excuse and a physician-prescribed food list must be turned in with the request.

Contract and Residency Information

The student leases a space in the residence hall for the academic year (9 months) and may extend the contract to include each or all of the summer sessions. Residence hall rent does not include intervals between spring and summer semesters, summer sessions, summer and fall semesters, and fall and spring semesters.

The contract period for students entering the college after the beginning of a semester will be for the remainder of the nine months (academic year) or contracted summer session(s). Once a student has checked into his/her assigned room, and later moves out of the residence hall the room rent is not refundable.

Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract. Authorization for residency exemption does not relieve the student of contractual obligations, which may have been assumed with the college for housing in the residence halls. If a student wishes to be released from the Residence Hall Contract, the following procedures apply:

1. Students must complete the cancellation request form at the Student Services Office.
2. Cancellation of the contract may result in additional charges and/or forfeiture of the advance payment. Specific cancellations dates and charges are listed in the Residence Hall Contract.

Reservation Information

An application for a room reservation may be secured by sending a request to the Student Services Office. Upon completion of the application, the student must return the application with a \$100.00 room deposit. Students are encouraged to reserve a room as early as possible since space is limited. If the student does not claim the assigned housing accommodation by 8:00 a.m. on the first day of class of each semester, the contract will be voided and the deposit will be forfeited.

Room Assignments

College officials will assign roommates once the application and deposit have been received. The college will make every effort to honor the student's request with regard to preference of roommate, room and wing but does not guarantee assignments to types of accommodations, specific rooms, roommates or single rooms.

Residence Hall Cost

Residence hall cost is detailed in the college Catalog which can be found on the college website.

Consolidation Process

The housing contract is for a space in college facilities; it is not for a specific room. The College sometimes finds that it has a number of rooms, where for various reasons only one resident is occupying the double occupancy room. To best utilize space, the College implements a consolidation process during the first six weeks of each long semester. Students who lose a roommate must either consolidate with another student or pay the single room fee.

USE OF THE COLLEGE SPACE, VEHICLES, FACILITIES, AND AMPLIFICATION EQUIPMENT

General Policy

1. The facilities, space, and vehicles of the college are intended primarily for the support of the ongoing instructional programs of the institution.
2. Second priority is given to programs sponsored and conducted by college academic and administrative departments or organizations which are affiliated with such departments.
3. Beyond these two priorities, use of campus space, vehicles, and facilities is permitted and encouraged for activities which are intended to serve or benefit the Howard College communities and which are sponsored by registered student organizations.
4. The use of buildings and grounds must at all times conform to these regulations and to local, state, and federal law.

Facilities Reservations Requirements for the Community

Reservations must be made for the use of buildings and grounds under the control of the college. Requests for reservations will be granted according to the priorities of the designated area. Request must be made to the appropriate office for assistance and/or for scheduling information.

1. Howard College Big Spring campus, contact the Dean of Student's office.
2. San Angelo campus, contact the site administrator's office.
3. SWCD campus, contact the Student Services office.
4. Lamesa campus, contact the campus Director.

A department, student, registered organization, or community member may not reserve space or facilities on campus and then permit it to be used by another organization or person.

Payment for the facilities and for special services will be arranged when the reservation is confirmed. The prepayment is refundable if notice of cancellation is received in writing 48 hours before the scheduled use.

Use of Facilities by Student Organizations

1. Student organizations are required to be registered with the Student Services Office in order to use college facilities or grounds.
2. A student organization, which has petitioned the Student Services Office for registration status may hold up to three meetings in the Dora Roberts Student Union Building or Recreation Hall pending action on its petition by the Student Services Office. However, no other campus facilities or space may be reserved by "petitioning" student organizations.
3. Howard College student organizations must first file a written request, signed by the president of the club and the faculty advisor, with the Student Services Office. Upon approval of the request, the club must then take a copy of the request to the appropriate office. If there are no conflicts, the event will then be placed on the official college calendar.

Procedures and Priorities for Designated Facilities

1. General Use-Student Buildings

Priority for use of space in student areas is given to the general student needs of the college. Secondary priority is given to registered organizations. Reservations must be made with the respective Student Services Office.

2. Academic Buildings

- a. Any registered student organization affiliated with, and sponsored by, an academic department may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations; lectures, seminars, or workshops; and special programs and functions. The space must be reserved through the appropriate site administrator. All space assignments are made on the basis of use consistent with the purposes of the college and of available space. No space assignments will be made during final examination periods. Academic use by departments has priority over other uses, and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Registered student organizations not affiliated with, or sponsored by, an academic department may request the use of space in academic facilities. This space will be assigned on a "limited" basis under the following conditions:
 - 1) No suitable space is available in other student areas.
 - 2) The intended use is in keeping with the educational purposes of the college.
 - 3) The intended use does not conflict with use by academic programs or academic organizations.
 - 4) The intended use does not conflict with normal security and maintenance schedule.

3. Residence Hall

Residents of the halls have priority for all residence hall facilities. Regularly enrolled students and registered student organizations have second priority for all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, a college organization. College departments or registered student organizations are permitted to use residence hall facilities during the summer for workshops, institutes, short courses, and conferences. Requests for the use of residence hall space must be made to the Student Services Office.

4. Intercollegiate Athletic Facilities in Big Spring

The Dorothy Garrett Coliseum, the baseball field, softball field and athletic practice fields are maintained by the college for the primary use, and benefit of, the intercollegiate and intramural athletic programs of the college, of allied non-college athletic activities consistent with such programs, and of official academic events of the college. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Chief Operations and Athletic Director. Requests for use of all intercollegiate athletic facilities must be made to the Chief Operations and Athletic Director.

5. Recreation Facilities

At Howard College Big Spring, the Harold Davis Fitness Center, Memorial Stadium, recreational fields, and racquetball courts are intended primarily for student instructional and recreational use on an organized group and individual basis. The athletic department is responsible for scheduling the use of the recreational fields and racquetball courts. Racquetball courts may be reserved by contacting the athletic department. The Memorial Stadium is scheduled by the Big Spring Independent School District. The Harold Davis Fitness Center is scheduled by the Director of the Fitness Center. The SWCD Student Center is intended primarily for student recreational use. The SWCD Student Services Office is responsible for scheduling this facility.

Campus Grounds Use

1. Selected grounds areas (other than those described above) are available for activities which are sponsored and approved by college departments, registered student organizations, or individual students and employees. Academic use by departments has priority, and assignments may be changed or canceled if conflicts with regular academic programs develop.
2. Students or organizations desiring to use campus grounds must register for grounds use in the Student Services Office. No recurring use assignments shall be made.
3. Registration for use of a designated campus grounds area must be made in the Student Services Office at least two (2) college working days prior to the intended use.
4. The respective site Student Services Officials-are responsible for certifying the registered use of campus grounds. Student Services will review the registration, and, if necessary, meet with the individual or a representative of the organization requesting the use to resolve questions concerning the request.
5. Upon review of the registration request, the Student Services Office shall only grant grounds-use requests which are consistent with all applicable college regulations as well as with local, state, and federal law.
6. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the reservation for the use expires, and any special provisions concerning the use of the space.
7. Students or organizations using a designated area are subject to the following requirements:
 - a. Use of amplification equipment must be in accordance with regulations (see Use of Amplification Equipment portion of this Student Handbook).
 - b. No structure may be erected on campus grounds without prior written approval. The approval must be secured at the time the activity is registered.
8. The failure of a student or organization to provide the Student Services Office with notice of cancellation of a proposed activity or event at least two (2) college working days prior to the scheduled activity or event, may result in the denial of a future permit for that student organization. Denials of permit pursuant to this provision may be appealed in accordance with the procedures. (See Appeals of Grounds Use Request Denials in portion of this Student Handbook).
9. Violations of these campus grounds-use regulations are subject to the disciplinary penalties and procedures outlined in the Student Standards of Conduct and Disciplinary Policy.

Freedom of Expression Activities

In accordance with law and policy, Howard College recognizes a student's right to freedom of speech, peaceful assembly, petition and association. Students may not disrupt the operations of the college or interfere with the rights of others to exercise their constitutional freedoms. Students are expected to exercise these rights with respect for the college's standards of conduct. Students and faculty alike should enable a climate of mutual respect and civility while fostering the freedom to debate and discuss the merits of competing ideas.

Expressive Activity

Expressive activity means the verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Students and employees may engage in expressive activity on campus grounds during college business hours without the need for prior reservation or registration except as set out in this and other applicable college policies.

Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words, or threats of physical harm. Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct or obscenity as those terms are defined by federal or state law and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.

College facilities and campus grounds may not be used by individuals or organizations not directly connected with the college except as permitted by this section.

Reservation of Campus Grounds for Expressive Activities

Campus grounds generally are open to students, employees and sponsoring organizations for expressive activity during college business hours. However, these individuals and organizations are encouraged to reserve areas on campus that are designated for expressive activity when the activity is promoted in advance or when the activity may reasonably be anticipated to draw a crowd of 25 or more people. Designated areas may be reserved on a first-come, first-serve basis and are subject to the reservation procedures published by the Judicial Officer and set out in this policy. Only the individuals or sponsoring organization that reserves a designated space may use the area for expressive activity during the reserved period. A reservation is required for use of amplified sound and/or outdoor structure. Sponsoring organizations are required to reserve a designated area for expressive activity by a sponsored guest. Only sponsoring organizations may invite sponsored guests to use campus grounds for expressive activity. A request to reserve space for use by a sponsored guest must be made no fewer than eight business days in advance of the sponsored activity.

In order to allow reasonable access to designated areas, students, employees and sponsoring organizations may reserve these locations a total of fifteen days and no more than five consecutive days. The Judicial Officer is responsible for administration of this policy, including:

1. identifying locations and establishing times for use as designated areas and identifying locations and establishing times for use of amplified sound;
2. managing requests for reservation of campus grounds under this policy;
3. relocating expressive activities as allowed under this policy;
4. developing procedures for reserving areas for expressive activity and use of amplified sound and for registering for parades, marches and rallies;
5. creating forms for use in reserving designated areas, using amplified sound, and registering for parades, marches and rallies; and
6. publishing the locations, times, procedures and forms required under this policy at the beginning of each academic year.

The Judicial Officer will act on requests to reserve designated areas and to register for a parade, march or rally no later than two business days after a properly submitted request is received. If a request is denied, the Judicial Officer will, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, the Judicial Officer will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation.

Advance reservation is required before amplified sound may be used on campus grounds (see *Use of Amplification Equipment* section of this handbook).

Reason for Denial of a Reservation/Permit

Requests to reserve a designated area, to use amplified sound, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied only for the following reasons:

1. an earlier request to reserve the same location and time has been made;
2. the designated area or an adjacent area has been reserved for an official college function or the designated area is no longer suitable for use due to a conflict with a nearby official college function;
3. the reservation or registration form is incomplete;
4. the request exceeds more than fifteen days in a semester or is for more than five consecutive days;
5. the proposed route of a march, parade or rally will cross space that has been reserved for an official college function or space that otherwise has been reserved in accordance with this policy or the proposed route will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
6. the request was submitted by an individual or organization that is not permitted to reserve space on campus under this policy.

Relocation of Expressive Activities

Individuals and organizations engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:

1. The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for event, etc.);
2. The activity substantially interferes with either vehicular or pedestrian traffic;

3. The activity blocks the ingress or egress to buildings;
4. The space is not available due to a prior reservation;
5. The activity conflicts with a previously planned college activity;
6. The activity creates a sustained or repeated noise.
7. The activity presents an unreasonable danger to the health or safety of the applicant or other individuals.
8. The activity is prohibited by local, state, or federal law; or
9. The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.

Outdoor Exhibits and Structure

Outdoor exhibits and structures may be placed only in designated areas, except that individuals may place displays on easel-type supports on campus grounds that are open and accessible for expressive activity. Outdoor exhibits and structures are subject to the following limitations:

1. may not exceed twenty-five feet in length or width or fifteen feet in height,
2. may not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety.
3. the interior of three-dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view.

Exception to the dimension regulations shall be granted by the Judicial Officer upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof that the individual or organization has insurance to cover injury or damage to persons or property is not grounds for an exception to the dimension regulations.

Subject to Discipline

Students engaged in expressive activities may be subject to discipline under the Student Standards of Conduct & Disciplinary Policy for the following actions:

1. Activities that are illegal.
2. Activities that deny the rights of other students, faculty, and staff of the college.
3. Activities that substantially obstruct or restrict the free movement of persons on any part of the college campus, including the free entry or exit from college facilities.
4. Activities that deny the use of office or other facilities to students, faculty, staff or guests of the college.
5. Activities that threaten or endanger the health or safety of any person on the college campus.
6. Activities that include the use of obscenities, libelous statements, or “fighting words” as defined by law;
7. Activities that result in damage to or destruction of college property; and
8. Activities that attempt to prevent a college event or other lawful assembly by the threat of use of force or violence.

Responsibilities of Individuals, Sponsoring Organizations and Sponsored Guests

Sponsoring organizations are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable college policies. Members of the college community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of college policies.

Sponsored guests who do not comply with this or other applicable college policies automatically forfeit their reservations and must immediately vacate college property. Repeat violations of this policy by a sponsored guest may result in loss of privilege for the sponsored guests as determined by the Judicial Officer.

Appeal of Decisions Related to Expressive Activity

Students, employees and organizations whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the Vice President of Academic and Student Affairs.

The appeal must be made in writing and state the specific reason(s) the individual or organization disagrees with the decision. The appeal should include all information the individual or organization believes will assist the Vice President of Academic and Student Affairs decide the matter.

The Vice President for Student Affairs will issue a decision on the appeal within three business days of its receipt. The decision is final.

Use of Amplification Equipment

1. Permission for Use
 - a. The use of loudspeakers or any other type of amplification equipment or amplified musical instruments on the college grounds is by permission only.
2. Procedure
 - a. Applications for permission to use amplification equipment must be made in the Student Services Office on forms provided by the office.
 - b. Applications must be completed within two (2) college working days before the intended use in order to receive full consideration.
3. Restrictions
 - a. The use of amplification equipment for solicitation purposes must conform to all campus grounds-use provisions specified in this part.
 - b. Sound equipment must not disrupt activities in the residence halls.
 - c. Outdoor dances may be held in approved locations only with prior approval by the judicial officer and must terminate no later than 12:00 a.m. Bands may use their own sound equipment for such dances. Other special events such as pep rallies, ceremonies, or recreational activities which include the use of bands and/or amplification equipment may be held in approved locations only with prior approval of the Student Services Office.
 - d. Amplification will not be approved for any time period during the seven calendar days preceding the final week of each fall and spring semester.

- e. Amplification in the designated areas cannot exceed 92 decibels on the “A” scale at 50 feet from the source of amplification.
- 4. Academic Use
 - a. The appropriate use of loudspeakers or other types of amplification equipment for official activities inside academic buildings, or on the campus as part of the academic instructional program, is determined and approved by the judicial officer.

Use of College Vehicles

- 1. The use of college vehicles is by permission only.
- 2. Procedure
 - a. Applications for permission to use college vehicles must be made at the appropriate campus administrator’s office. The appropriate forms are provided by these offices.
 - b. Applications should be made by the club sponsor as soon as possible since there are a limited number of vehicles.
 - c. Liability release forms for each student traveler must be completed. These forms are available in the Student Services office. The college will assume no legal responsibility for students or groups using their own or any other transportation.
- 3. Restrictions
 - a. Sponsors are requested to drive vehicles being used for student travel.
 - b. In those rare cases where it is necessary for students to drive college vehicles, the following procedures must be followed:
 - 1) The sponsor must submit the name(s), driver's license number, birth date, and specific driving task of those students who will be driving a college vehicle to the appropriate campus administrator’s office three weeks in advance of the planned activity for verification of the driving record.
 - 2) The information will be submitted to the state motor vehicle department. The appropriate department or organization will be billed at the current rate for the cost of this investigation.
 - 3) If approved, the student's name will be filed with the appropriate information. If disapproved, the student will not be allowed to drive a college vehicle.

Students who leave the campus on a college-sponsored trip in a college vehicle are expected to return with the traveling group. College liability insurance does not extend to the use of any private vehicle. When a private vehicle is utilized the liability is owned by the vehicle owner and/or driver. Before being authorized to drive a fifteen (15) passenger van drivers must attend training that is provided by the college. All passengers in college vehicles must utilize seat belts when the vehicle is moving.

SOLICITATIONS, ADVERTISEMENTS, AND PRINTED MATERIALS

General Policy

The primary mission of the college is educational. The college is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, no solicitations or advertisements, and no sales, displays, or distributions of publications on the campus are permissible except as provided for below.

Definitions

1. Solicitation is defined as requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets, and/or offering any other comparable materials and privileges, in person, or by handbills, posters, or similar materials, to promote sales.
2. Advertisements are the displays of any items which have, as an integral part of their design, the identification of a consumer product or service.
3. Printed materials are publications, handbills, posters, leaflets, and other written matter intended for public distribution, sale or display on campus.

Solicitations

1. Jurisdiction
 - a. All regulations pertaining to on-campus and off-campus solicitations by students and student organizations shall be administered by the Student Services Office.
 - b. All regulations pertaining to on-campus and off-campus solicitations by college departments shall be administered by the judicial officer or designee.
 - c. All regulations pertaining to the off-campus solicitations of ex-students and friends of the college shall be administered by the Director of Institutional Advancement in conjunction with the Alumni Association.
2. Solicitations are prohibited on the campus except for the following events and organizations:
 - a. Altruistic or charitable projects.
 - b. Scholarship fund drives.
 - c. Service projects.
 - d. Educational or cultural projects having community-wide benefits.
 - e. Membership drives, fund raising projects, and canvassing by campus student organizations.
 - f. Governmental agencies.
 - 1) U.S. Postal Service.
 - 2) Armed Services.
 - g. College departments.
 - h. Alumni Association.
 - i. Contract vending machine companies.
 - j. Local newspapers and periodicals.
 - k. Demonstrations of educational, instructional, or office equipment.

3. The regulating offices may grant special permission for solicitation purposes or places not listed above if exceptional circumstances justify such approval. Permission will not be granted for a request which violates any local, state, or federal law.
4. Solicitations, if authorized, are generally prohibited in college buildings with the following exceptions:
 - a. The SUB/Student Centers, wherein merchandise is sold in accordance with the regulations established by the management of those facilities.
 - b. The residence halls, as long as the solicitation is either conducted entirely within a student's room with the consent of the roommate(s), or in assigned public areas. Sales parties and group demonstrations advertising projects are not allowed in lounges, meeting rooms, or other public areas.
5. Requests for permission to solicit are granted for a specified period of time. In order to be eligible to solicit, an individual must present current student, faculty, staff or vendor identification and complete the request form provided by the authorizing office. A permit to solicit may be revoked by the authorizing office before the expiration of the specified time period, if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
6. Decisions by the judicial officer rejecting or revoking permission for students or a student organization to solicit may be appealed to a college administrator appointed by the President.
 - a. A person or organization desiring to appeal must file a written appeal with the college administrator appointed by the President, which describes the objections to the decision of the judicial officer.
 - b. After receiving the appeal, the college administrator appointed by the President shall notify the person or organization and the judicial officer of the appeal decision within five (5) college working days.
 - c. At the Administrative Dean's-level the person or organization will have exhausted the right of appeal within the college.

Advertisements

1. No advertisements by commercial organizations, either as groups or through student representatives, are allowed on the campus except through established advertising policies of the College, or official college organizations in approved commercial publications, programs, or brochures.
2. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus or use campus facilities for such activity will be escorted from the campus and will be subject to appropriate legal action.
3. No advertisement is permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
4. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance.

Printed Materials

1. Only individuals affiliated with the college (i.e., students, faculty, or staff) may distribute handbills, leaflets, or any other type of printed materials on the campus.
2. Students and student organizations are not required to secure prior approval concerning the content or distribution of such materials as leaflets and handbills. The

materials, however, may not conflict with the provisions of the Student Standards of Conduct & Disciplinary Policy and must be in accordance with all applicable local, state, and federal laws. Solicitation materials must conform to the aforementioned solicitation policy.

3. Printed materials may not be placed on the windshields of cars parked in college parking lots without permission of the vehicle owners.
4. Specific permission for distribution of printed materials must be obtained from the Student Services Office.
5. Posters, signs, and announcements are to be displayed only on college announcement boards provided for that purpose. The college announcement boards are restricted for use by registered student organizations, academic departments, and administrative units of the college. Commercial signs or announcements are prohibited.
6. Bulletin boards belonging to academic and administrative departments are for official college use only. Students are required to gain consent of the Student Services Office prior to displaying and/or posting signs, announcements, or posters. Because of space limitations, posters may not exceed a maximum size of 22" by 17". Posters may not be displayed earlier than two (2) weeks prior to the specified event. Posters should not be posted on glass doors because of the danger involved to those who use the passageway and should be hung in accordance with the instructions provided by the Student Services Office. Posters should be removed immediately following the event.
7. Posters, announcements, banners, cards, or other campaign material for any individuals seeking public office may not be posted or displayed on, or in, any academic or administrative buildings, campus grounds, or parking lots. Such campaign material for individual's seeking public office may be posted only in an individual's assigned residence hall room or in the SUB or Recreation Hall.
8. Publications may be sold in the SUB, Recreation Hall, and the Bookstore in accordance with the regulations established by the management of these agencies.

INFORMATION TECHNOLOGY RESOURCES AND ACCEPTABLE USE POLICIES

Purpose

This policy outlines Howard College Information Technology Resources as well as the Acceptable Use Policy, to comply with state and federal requirements including, but not limited to, TAC 202 and FERPA requirements.

Security Violations and Sanctions

Howard College Information Technology resources are valuable assets strategically provided to further the instructional, research, public service, and administrative functions of the college. Individuals using Information Technology owned or managed by the college are expected to know and comply with all college policies, procedures, as well as local, state and federal laws. Individuals are responsible for the security of any computer account issued to them and will be held accountable for any activity that takes place in their account.

Detecting and Reporting

Users of Howard College Information Technology resources are expected to report any known or observed attempted security violation. Additionally, they must not conceal or help to conceal violations by any party. Any actual or suspected security violation should be reported immediately to the Dean of Information Technology Services, a Cabinet member or the President of Howard College.

Disciplinary Actions

Violation of this policy may result in disciplinary action, which may include termination for employees, a termination of employment relations in the case of contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student. Additionally, individuals are subject to loss of Howard College Information Technology resources, access privileges, civil, and criminal prosecution, as well as legal action under state and federal laws, and legal action by the owners and licensors of proprietary software for violation of copyright laws and license agreements.

Responsibilities

1. The president of the college shall appoint an Information Security Officer (ISO) who shall report to executive management of the college. The ISO is the Dean of Information Technology Services.
2. The Information Security Office shall ensure that ongoing information security trainings are held and compliance assessments are completed.
3. The Information Security Officer, in cooperation with information owners and custodians, shall develop and recommend policies, procedures, and practices necessary to ensure the security of information resources against unauthorized or accidental modification, destruction, or disclosure as maintained in the Howard College Internal Control Plan Procedures.
4. The Information Security Officer shall ensure that an independent, third party, biennial review of the information security program is performed, including but not limited to the Internal Control Plan Procedures.

5. Where appropriate and possible a logon banner/warning should be presented when a user logs on to a system.

Data Classification and Risk Assessment

1. All data owners or designated custodians shall be responsible for classifying data processed by systems under their purview based on data sensitivity so that the appropriate security controls can be applied and the information resource can be appropriately managed.
2. The Howard College Internal Control Plan will be used to classify data types and their need for confidentiality, integrity, and availability.

Physical and Environmental Security Policy

1. All physical security and environmental control systems must comply with all applicable regulations such as, but not limited to, building codes and fire prevention codes.
2. All information resource facilities must be protected against loss from both physical and environmental threats in proportion to the category of data or systems housed within the facility.
3. Requests for access must be approved by the department head and authorized by the ISO.
4. Access codes, and/or keys must be changed on a periodic basis based on the criticality or importance of the facility.
5. Access codes, and/or keys must not be shared, reallocated, or loaned to others.
6. Keys that are no longer required must be returned to HR Department.
7. Lost, stolen, or compromised access codes, and/or keys must be reported to ISO.
8. The code and/or key access rights of individuals that change roles within the college or are separated from their relationship with the college shall be removed.

Backup and Business Continuity

1. The ISO is responsible for developing and maintaining a Disaster Recovery Plan designed to address the operational restoration of the college's critical computer processing capability.
2. The frequency and extent of backups must be in accordance with the importance of the information and the acceptable risk as determined by the data owner.
3. All vendor(s) providing offsite backup storage, if any, for the college must be cleared to handle the highest level of information stored.
4. Physical access controls implemented at offsite backup storage locations, if any, must meet or exceed the physical access controls of the source systems. Additionally, backup media must be protected in accordance with the college's highest sensitivity level of information stored.
5. The backup and recovery process for each system must be documented and periodically reviewed by the ISO or designee.
6. Backups must be periodically tested by the ISO or designee to ensure that they are recoverable.

Portable Computing and Encryption

1. Only portable computing devices approved by the Information Technology Department may be used to access college information resources.
2. College owned portable computing devices must be password protected.

3. Unattended portable computing devices must be physically secure. This means they must be locked in an office, locked in a desk drawer or filing cabinet, or locked in a secure, out-of-sight area of a vehicle.

Acceptable Use

1. Howard College and the Information Technology Department are finite by nature. All users must recognize that certain uses of college owned information technology resources may be limited or regulated as required to fulfill the college's primary teaching, research and public service missions.
2. Users must report any weaknesses in computer security, any incidents of possible misuse or violation of this agreement to the ISO.
3. Users must not attempt to access any data or programs contained on college systems for which they do not have authorization or explicit consent to do so.
4. Users must not share their college account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), or similar information or devices used for identification and authorization purposes.
5. Users are responsible for all actions that take place with their account.
6. Users must distinguish between ideas, comments, and opinions of the individual user versus those that represent the official positions, programs, and activities of the college.
7. The college is not responsible for the content of documents, exchanges or messages, including links to other information locations on the internet or world wide web, that reflect only the personal ideas, comments and opinions of individual members of the college community, even where they are published or otherwise circulated to the public at large by means of college information technology resources.
8. Students, faculty and staff using information technology resources for purposes of exchanging, publishing or circulating official institutional documents must follow Howard College requirements concerning appropriate content, style and use of logos, seals, or other official insignia.
9. Users of Information Technology resources must not use any software not provided by the college without Information Technology Department approval.
10. Users must not purposely engage in activity that may interference with or disrupt computer systems and networks and related services, by means including, but not limited to, the propagation of computer "worms", "viruses" and "Trojan Horses". Users may not harass, threaten or abuse others; degrade the performance of college information technology resources, deprive an authorized Howard College user access to a college resource, obtain extra resources beyond those allocated, or circumvent any computer security measures.
11. Users must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of a system. For example, users must not run password cracking programs, packet sniffers, or port scanners or any other non-approved programs on college information technology resources.
12. Use of the College's information technology resources is strictly prohibited for unauthorized commercial activities, fraud, personal gain, and private, or otherwise unrelated to the College business or fundraising. This includes soliciting, promoting, selling, marketing or advertising products or services, reselling College resources, or political lobbying or campaigning.
13. Users must not intentionally create, access, store, view or transmit material which the college may deem to be offensive, indecent or obscene (other than in the course of academic

research where this aspect of the research has the explicit approval of the college's official processes for dealing with academic ethical issues).

14. Illegal material may not be used to perform any legitimate job or academic function and therefore may not be created, accessed, stored, viewed, or transmitted on college information technology resources.
15. A Howard College owned, home based, computer must adhere to all the same policies that apply to use from within Howard College - facilities. Employees must not allow family members or other non-employees access to college computer systems.
16. Users must not otherwise engage in acts against the aims and purposes of Howard College - as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
17. All user activity on Information Technology resources assets is subject to logging, monitoring, and review.
18. Privately owned information resources are subject to the Acceptable Use Policy when used or operated on campus.
19. As a convenience to the Howard College, user community, some incidental use of Information Technology resources is permitted. The following restrictions apply:
 - a. Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, telephones, and so on, is restricted to college approved users; it does not extend to family members or other acquaintances.
 - b. Incidental use must not result in direct costs to the college.
 - c. Incidental use must not interfere with the normal performance of an employee's work duties.
 - d. No files or documents may be sent or received that may cause legal action against, or embarrassment to, the college.
 - e. Storage of personal email messages, voice messages, files and documents within the college's Information Technology Department must be minimal and anything deemed to be excessive can be deleted at the discretion of the ISO. Further, it is the responsibility of the individual to have personal data backed up on a privately owned storage device and the college is responsible for any lost personal media or data.
 - f. All messages, files and documents – including personal messages, files and documents – located on college Information Technology Department equipment are owned by the college, may be subject to open records requests, and may be accessed in accordance with this policy.

Account Management

1. All access requests for Information Technology resources shall follow an account creation process that includes appropriate approvals.
2. Users (Trustees, full-time and part-time employees, official retirees, students and other approved users) must sign the appropriate Howard College - Information Technology Department Security Acknowledgement and Nondisclosure Agreement before access is given.
3. All accounts must be uniquely identifiable using a centrally assigned user name from the Information Technology Department.
4. All accounts have a password construction and expiration that complies with the college Password Security Guidelines issued by the ISO.
5. Accounts of individuals, who have had their status, roles, or affiliations with the college

change or who have become separated from the college, shall be updated or revoked to reflect their current status.

6. Accounts of individuals on extended leave may be disabled at the discretion of the Information Technology Department.
7. Accounts should be reviewed periodically by system administrators and data owners to ensure their status is correct.
8. All vendor, consultant, and contractor accounts shall follow this policy.

Administrator/Special Access

1. All users of system administrator or other special access accounts must be authorized by the ISO, appropriate administrators and data owners.
2. Users must sign the appropriate Howard College - Information Technology Department Security Acknowledgement and Nondisclosure Agreement before access is given to an administrator or other special access account.
3. The password for a shared administrator/special access account must change when an individual with the password leaves the department or college, or upon a change in the third-party vendor personnel assigned to a college contract.
4. When special access accounts are needed for internal or external Audit, software development, software installation, or other defined need, they must be:
 - a. authorized by the system or data owner
 - b. created with a specific expiration date
 - c. removed when work is complete

Change Management Policy

1. Significant changes to any of the college's critical information resources, such as: operating systems, computing hardware, networks, and applications is subject to the discretion of the college administration with guidance and leadership provided by the Dean of Information Technology.
2. Minor changes will be made by the Information Technology Department under the leadership of the Dean of Information Technology.

Network Access

1. Use of the college network constitutes acknowledgement of, and agreement to abide by all policies set forth in the Acceptable Use Policy.
2. Users are permitted to use only those network addresses issued to them by the Information Technology Department.
3. All remote access to the college internal network must be authorized by Information Technology Department.
4. Users must not extend or re-transmit network services in any way.
5. Users must not install or alter network hardware or software in any way.
6. Network devices that pose an immediate threat to network operations, performance, or other network-connected devices must be disconnected or quarantined to minimize risk until the threat is removed.

Network Management and Configuration

1. The Information Technology Department owns and is solely responsible for the management or administration of the college data and telephony network

infrastructure including, but not limited to, the following:

- a. Installation, configuration and operation of all switches, routers, wireless devices, and firewalls
 - b. Installation, configuration and operation of active network management devices
 - c. Establishment and management of all protocols used on the college network
 - d. Network address allocation and distribution
 - e. All connections to external third party data and telephony networks
 - f. All communications cabling installation or modification
 - g. Extension or re-transmission of network services in any way
 - h. Configuration and broadcast of all wireless signals providing access to the college network
 - i. Installation and configuration of all telephony devices
 - j. Creation and maintenance of all college network infrastructure standards and guidelines
 - k. Creation and maintenance of a directory of network devices
2. Any device connected to the college network is subject to Information Technology Services Department management and monitoring standards.

Information Technology Department Privacy Policy

1. Electronic files and data created, sent, received, stored, or transmitted across computers or other information technology resources owned, leased, administered, or otherwise under the custody and control of the college are not private unless expressly stated in federal or state law and may be accessed at any time by the college administration, following a defined approval process, without knowledge of the information resource user or owner. Applicable open records requests shall follow the college standard formal request process.
2. The college may log, review, capture, and otherwise utilize information stored on or passing through its information technology resources as needed for the purpose of system administration and maintenance, for resolution of technical problems, for compliance with Texas Public Information Act, for compliance with federal or state subpoenas, court orders, or other written authorities, allow institutional officials to fulfill their responsibilities when acting in their assigned capacity, and to perform audits. No notification is required to view this information; however, users with privileged access are expected to maintain the privacy of the individual.
3. Identifying information shall be removed before sharing collected information to prevent loss of individual privacy where possible.
4. Employees, contractors, vendors, and affiliates of the college shall safeguard the privacy and security of any information owned by or entrusted to the college.
5. Disclosure of personally identifiable information to unauthorized persons or entities is expressly forbidden.
6. Access to personally identifiable information shall be granted through an appropriate approval process and be revalidated on a regular basis.
7. Paper and electronic documents containing personally identifiable information shall be secured during use and when not in use.
8. Electronic documents containing personally identifiable information shall only be stored on authorized systems.

Software Licensing

1. Copies of software licensed by the college shall not be made without verifying that a copy is permitted via the license agreement.
2. Software used on college-owned systems shall be properly licensed for their method of use (concurrent licensing, site licensing, or per system licensing).
3. The college has the right to remove inappropriately licensed software from college computers if the user is not able to show proof of license.
4. Software license management shall be monitored by the Information Technology Services Department.

Computer Related Purchasing and Support

1. The Information Technology Services Department must approve all information technology related software and hardware purchases regardless of source of funds, including any device capable of storing, transmitting or processing electronic college owned data.
2. The Information Technology Department will assist the Purchasing Department with all quotes for bids and prices.
3. Each division, department, and office must consult with the Information Technology Department when preparing its annual budget for guidance in developing its requests for funds for hardware and software acquisitions.

Data Disposal and Destruction

1. Prior to the sale, transfer, or other disposal of information technology resources, the Information Technology Department will assess whether to remove data from any associated storage device.
2. Electronic state records shall be destroyed in accordance with state and federal guidelines.
3. The college shall keep a record/form (electronic or hard copy) documenting the removal and completion of the process with the following information:
 - a. date
 - b. description of the item(s) and serial number(s)
 - c. inventory number(s)

Peer-to-Peer (P2P)

1. Users of state computers or networks shall not download/install or use any P2P software on state computers, networks, or mobile computing device (PDA) without specific authorization in writing from the Information Technology Department.
2. Any permitted use of P2P software is subject to all information resource policies including the Acceptable Use Policy.

GENERAL INTRAMURAL REGULATIONS

Eligibility

1. A student currently enrolled for three or more semester hours in Howard College is automatically eligible to participate in the intramural program providing that he complies with the specific eligibility rules stated elsewhere in these regulations. An eligible student shall retain that status until he withdraws from the college, is dropped from the rolls of the college or fails to register for a succeeding semester.
2. A student who, on the advice of a doctor, is forbidden to participate in the regular physical education program is ineligible for intramural participation.
3. A student assigned to a modified program of physical education may participate only in those intramural activities meeting the restrictions of the modified program.
4. Students who are members of Howard College intercollegiate squads will be eligible for intramural competition in sports other than the intercollegiate sport in which the student participates. Example: members of the Howard College basketball teams cannot participate in intramural basketball, but the students can participate in all other intramural activities.
5. A student who has participated in a professional sport is not eligible to participate in that intramural sport.
6. A student listed as a member on a team roster is ineligible to participate in a play-off unless he participated in league play.
7. A student who participates in an intramural contest under an assumed name will become ineligible for all intramural competition for the remainder of the year.
8. The Intramural Official is responsible for checking and verifying the eligibility of intramural participants, if a question should arise.

Scheduling

1. The Intramural Official is responsible for the scheduling of all activities.
2. The Intramural Official shall be the judge of factors leading to the postponement of a contest.
 - a. Inclement weather conditions and conflicts with major college functions are examples of causes for postponement of intramural contests.
 - b. A scheduled contest may not be postponed merely by the mutual agreement of the contestants.
 - c. The absence of a team player or players is not an acceptable cause for postponement of a scheduled contest.

Forfeits

1. Each intramural activity will have a starting time deadline stated in the rules. Any individual (in an individual sport) or team failing to meet this deadline will be charged with a forfeit.
2. Forfeited contests will not be rescheduled.
3. Teams that forfeit two contests will be dropped from play.
4. Any team using an ineligible player will forfeit all contests in which that player participated.

Protests

1. Protests shall be judged by an Intramural Council.
2. Protests regarding problems of player eligibility must be made in writing and submitted to the Intramural Official within 24 hours after the contest in question.
3. A protest arising out of the interpretation of the game rules must first be stated on the field of play, during the game. A formal protest must be made to the Intramural Official within 24 hours of the conclusion of the contest in question.
4. Under no circumstances shall an official's judgment call be grounds for protest.

Intramural Council

1. The membership of the Intramural Council shall consist of three students from the Student Government Association, three faculty members, and the Intramural Official as chairman. Each campus will have a council.
2. The function of the Intramural Council is to resolve protest cases and assist in formulating intramural policies.

Code of Conduct

1. The regulations relating to the intramural program are made with the view of protecting not only the best interests of the individual but also the general welfare of all participants. Students are expected to take part in the program under a code of good sportsmanship and mature conduct that is in harmony with the standards of the college.
2. A student participant who is ejected from a game for misconduct will go before the Intramural Council, and may face probation or suspension in that and/or other sports.
3. Participants involved in fights, which cause them to be ejected from a contest, will go before the Intramural Council. The students may also be referred to the judicial officer for disciplinary action.

STUDENT ORGANIZATIONS

A varied and wholesome program of student activities is provided through student organizations. The college feels that the student should have the opportunity to supplement classroom work by choosing activities which meet needs for recognition or growth, desires for companionship, spiritual growth, and creative effort. Student activities afford recreation, opportunity for leadership development and effective group participation. The various student organizations are sponsored by full-time faculty or staff members and are responsible to the administration. Clubs and organizations must abide by the policies and procedures as outlined in the Student Clubs and Organizations Guide available on the Howard College website.

Student Government Association

Students are encouraged to become involved with institutional governance by expressing their thoughts and feelings about college policies, procedures, and activities. This is accomplished by participation in the Student Government Association (SGA).

The Student Government Association (SGA) consists of all presently enrolled students of Howard College. While all students are invited to attend SGA meetings, the representative voting bodies of the Student Government Association are the Student Senates: one at Big Spring, one at San Angelo, and one at SWCD. Each Student Senate consists of the following members:

- Four officers elected by members of the Student Government Association on respective campuses;
- One freshmen representative elected by members of the Student Government Association on respective campuses; and
- One sophomore representative elected by members of the Student Government Association on respective campuses.

Through this Senate, students are given an opportunity to promote student government and to develop and manage a well-rounded program of student activities. The Senate also acts as an intermediary between students, the faculty, and the administration.