



## **ANA G MENDEZ UNIVERSITY STUDENT CONSUMER INFORMATION Student Code of Conduct**

### **Introduction/Purpose/Scope**

Ana G. Mendez University (“AGMU” or the “University”) is dedicated to the advancement of knowledge, learning, and to the development of exemplary personal and social conduct. Students assume the responsibility for conducting themselves in a manner that contributes positively to the University’s learning community and that does not impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University as described in this Student Code of Conduct (the “Code”).

While this Code may have some similarities with the legal system, it is essentially educational and administrative in nature. This Code is not governed by restrictions found in criminal or civil proceedings. It should be read broadly and is not designed to define misconduct in exhaustive terms. Nothing in this Code shall be construed as preventing University officials from taking any immediate action when deemed necessary.

Each student assumes the responsibility for becoming familiar with, and abiding by, this Code. The University reserves the right to make changes to this Code as necessary and once those changes are posted online, they are in effect. Students will be informed in writing of substantive changes to this Code on an established communication cycle.

### **Authority and Jurisdiction**

The University reserves the right to take necessary and appropriate action to protect the safety and wellbeing of the University community. This Code is adopted for the appropriate discipline of any student (or student organization) who acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University.

The authority for student discipline ultimately rests with the University Chancellor. The Chancellor delegates this authority to the Vice Chancellor of Student Affairs, and the Vice Chancellor delegates this authority to designated staff on the campuses (ground and online).

The Code applies to behaviors that take place on campus, in study abroad programs, or at University-sponsored events, programs, or activities, including at clinical and internship sites. While the University has a primary duty to supervise student behaviors in its premises, it reserves the right to take disciplinary action in response to behavior off-campus or online that adversely affects the University and/or the pursuit of its objectives and warrants conduct action.

The Code may also be applied to behavior online, via email, or another electronic medium. Online speech by students not involving AGMU networks or technology will typically not be the subject of this Code with two notable exceptions: 1) A threat, defined as a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s); and 2) Online or electronic speech that causes significant disruption to University operations or the educational mission. The Code also applies to guests of AGMU students. Hosts will be held accountable for their guest's misconduct or violation(s) of the Code.

All members of the University community are encouraged to report all suspected violations of the Code through established reporting procedures. All University employees are required to report all possible violations through established reporting procedures.

### **Student Conduct Philosophy**

AGMU is committed to fostering a learning environment that is conducive to academic inquiry, a vibrant University community, and discourse without fear of intimidation. We are committed to an educational and developmental process that balances the interest of individual students with the interests of the University community. The student conduct process is not intended to punish students; rather it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with established policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations.

### **Definitions**

**“Assigned Conduct Official”** is defined as:

1. For ground campus students, the Campus Director of Student Affairs, or their designee
2. For Main campus students (Online Spanish and Online English), the Director of Retention, or their designee

**“Preponderance of Evidence”** is defined as: the standard of proof that applies to student conduct proceedings or determinations. In order to find that a student or organization has engaged in prohibited conduct, the standard of proof required is a preponderance of the information contained in the record. The information must demonstrate that it is more likely than not that the violation occurred.

**“Student”** is defined as:

1. All persons registered for University courses on campus or online;

2. All persons who are not officially enrolled for a particular term but have a continuing relationship with the University or intend to enroll in the next term. This provision is intended to include within the definition of students, those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first time enrollees who engage in misconduct prior to the time of enrollment, or who are not enrolled in that particular part of term; and/or
3. All persons who are attending classes on campus or online although they may be enrolled students in other higher education institutions as transient students.

**“Student Organization”** is defined as: all recognized student groups, clubs, or organizations. Student Organizations may be held collectively responsible when violations of this Code by those associated with the group or organization have received consent or encouragement of the group or organization or the of the group or organization’s leaders or officers.

**“Campus”** is defined as: all areas, owned, leased, or under the control of AGMU.

### **Violations of Local, State, & Federal Law**

Any student who accepts the privilege of attendance at the University is deemed to have given their consent to the policies of the University, Student are also required to comply with local, state, and federal laws. By enrolling at the University, a student assumes the responsibility for becoming familiar with and abiding by the standards of conduct detailed in this Code. Violation of any of these may lead to disciplinary sanctions.

A student may be accountable to both law enforcement authorities and to the University for acts which constitute violations of law and this Code. Student conduct allegedly constituting a felony or misdemeanor offense may be referred to appropriate law enforcement agencies. University disciplinary proceedings will not be subject to challenge on the grounds that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced, or otherwise resolved or that such proceedings constitute double jeopardy. AGMU will comply with all local law enforcement Personal Protection Orders submitted to the AGMUDirector of Operations, Compliance, and Safety.

### **Disciplinary Proceedings & Standard of Proof**

The University will conduct disciplinary proceedings pursuant to the Code in an informal, fair and expeditious way. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable. Students will be informed of all steps and outcomes of the disciplinary process in writing. Deviations from the procedures in this Code shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in significant prejudice to a student or to the University. A “Preponderance of Evidence” is the standard of proof that applies to student conduct proceedings or determinations.

### **Prohibited Conduct**

The University may impose discipline for a violation of, or an attempt to violate, any University policies or regulations. Violations or attempted violations include, but are not limited to, the following types of misconduct:

- a. All forms of academic misconduct, including but not limited to, cheating, fabrication, plagiarism, or

facilitating academic dishonesty:

- b. Other forms of dishonesty, including but not limited to, fabricating information, or knowingly furnishing false information or reporting a false emergency to University officials acting in the performance of their duties:
- c. Theft of, damage to or destruction of, any University property or property of others while on University premises;
- d. Unauthorized possession of University property;
- e. Dressing in a manner that is not conducive to health, welfare, and safety;
- f. Publicly exposing one's intimate body parts, public urination, defecation, and public sexacts;
- g. Possession, use, sale, barter, exchange, gift, distribution, or other transaction of any illegal drugs:
- h. Possession or use of explosives, fireworks, chemical agents, or deadly weapons;
- i. Illegal gambling;
- j. Use of offensive language, disrespectful language, insults, threats of aggression, or attempted assault to University officials, students, or guests;
- k. Failure to comply when given reasonable directives by a University official or law enforcement officer during the performance of their duties;
- l. Unauthorized use of the University name, logo, or other branded insignia;
- m. Unauthorized entry or occupancy of University facilities;
- n. Distributing or publishing informational material without the written authorization of the appropriate University official;
- o. Conduct that interferes with the University teaching activities and operations;
- p. Forgery, alteration, or misuse of any University document, record, key, electronic device, identification, or authorized signature;
- q. Theft or other abuse of computing facilities or computer time, including but not limited to: 1) unauthorized entry into a file to use, read, or change the contents or any other purpose; 2) unauthorized transfer of a file; 3) unauthorized use of another individual's identification or password; 4) use of computing facilities to interfere with the work of another student, faculty member, or University official; 5) use of computing facilities to interfere with a University computing system, or other violations of Information Technology policies and related policies; or 6) University technology, including, but not limited to, computers, network, and wireless internet, to access materials disruptive to the learning environment, including and without limitation sexually explicit or violent content;
- r. Disorderly or lewd conduct;
- s. Participation in a disturbance of the peace or unlawful assembly;
- t. Disobedience or violation of the conditions of probation and/or sanctions imposed in accordance with the procedures established by this Code;
- u. Misuse of University information technology resources;
- v. Unauthorized commercial solicitation on University property;
- w. Failure to respect the privacy of any member of the University community;
- x. Intentional or unintentional acts that cause harm to an individual or group that could or does result in injury to an individual or group;
- y. Discrimination: Any act that is in conflict with the University's established non-discrimination policies or that limits or denies the ability of any person or persons to participate in or benefit from educational programs or activities based upon an individual or group's actual or perceived status;
- z. Sexual misconduct: including harassment, stalking, non-consensual sexual intercourse, sexual exploitation, or intimate partner and domestic violence as defined by University policy;

- aa. Hazing: any action which endangers the mental or physical health of a member of the University community, or which encourages the student to engage in illegal or inappropriate conduct for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a recognized group or organization;
- bb. Bullying or cyber-bullying;
- cc. Expressive activities that are unlawful and/or that materially and substantially disrupt the functioning of the University and/or that infringe upon the rights of others to engage in expressive activities;
- m. Encouraging, aiding, or abetting another in the commission of any offense prohibited by this Code;
- ee. Violation of other University policies;
- ff. Violation of local, state, or federal laws, regulations, or ordinances;
- gg. Abuse or interference, or failure, to comply with the University's conduct process, including:
  - i. Failure to participate in conduct hearings
  - ii. Falsification, distortion, or misrepresentation of information
  - iii. Failure to provide, destroying, or concealing information during an investigation
  - iv. Attempt to discourage an individual's proper participation in the conduct process
  - v. Retaliation, harassment, or intimidation of members involved in a conduct proceeding

## **Disciplinary Sanctions**

A student found in violation of this Code may be subject to one or more of the following sanctions by the assigned Conduct Official:

**Written Warning** - official reprimand to the student addressing the conduct violation and informing the student that prohibited conduct may be cause for additional disciplinary action if repeated in the future. A copy of the written warning is kept on file as part of the student disciplinary file system.

**Restrictions or Loss of Privileges** - Limitations on campus usage or University-sponsored events including facilities, courses, labs, or other campus activities related to a specific violation for a specified period of time.

**Disciplinary Probation** – A period of time in which a student is expected to demonstrate a positive behavioral change and may be excluded from participation in privileged or extra-curricular institutional activities. This warning includes a written reprimand along with the possibility of more severe disciplinary sanctions should the student be found in further violation of any University policies or regulations during the established probation time frame. At the end of the probationary period, the University will review the student's conduct and decide whether or not to reinstate the student to good conduct standing.

**Community or Educational Service** – An assignment of an appropriate project that will benefit the student, the institution, and/or the parties offended. Such assignment include, but are not limited to community service, letters of apology, educational assignments, and educational programs.

**Restitution** – Reimbursement to the University or affected party for damage or misappropriation of property. Restitution may take the form of appropriate services, fines, repair, or other compensation for damages, and it may be applied, where appropriate, in conjunction with another sanction.

**Disciplinary Suspension** - Termination of student status, including participation and attendance at all campus activities as set forth in the notice of suspension for a specific period of time. When circumstances

warrant, the sanction of exclusion from the campus and University services may also be imposed. Being convicted in a court of law for a criminal offense involving personal misconduct may constitute sufficient grounds for suspension or expulsion from the University. A student on disciplinary suspension will be administratively withdrawn from their current courses. The student will be ineligible to receive a tuition and fees refund. Disciplinary suspensions are determined by the Vice Chancellor of Student Affairs, under the approval of the University Chancellor.

**Expulsion** - A permanent separation from the University. When circumstances warrant expulsion, the student is banned from the University property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a no-trespass notice as necessary. Being convicted in a court of law for a criminal offense involving personal misconduct may constitute sufficient grounds for suspension or expulsion from the University. A student with a finding of Expulsion will be administratively withdrawn from their current courses. This administrative withdrawal will be noted on their transcript, and the student will be ineligible to receive a tuition and fees refund. Disciplinary expulsions are determined by the Vice Chancellor of Student Affairs, under the approval of the University Chancellor.

**Loss of Employment** - Permanent severance of the student's employment with the University.

**Behavioral Requirement** - This includes required activities including but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

**No-trespass Notice** - The University may utilize a no-trespass notice on a temporary or permanent basis to protect the safety of the University community.

**Disciplinary Probation or Suspension of Student Organizations** - In addition to the above sanctions, additional sanctions may be imposed against a student organization for the violation of this Code and may include disciplinary probation or suspension of the student organization.

**Discretionary Sanctions** - Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above.

### **Standards of Student Behavior in the Physical and Online Classroom**

Primary responsibility for managing the classroom environment rests with the faculty. Faculty members are authorized to define, communicate, and enforce appropriate standards of decorum in classrooms, offices, and other instructional areas under their supervision. Faculty have direct support from University security and administrative staff at all times. Faculty should immediately report any incident to their campus Security Official and to their Supervisor.

Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period, whether in person or online. Longer suspensions from class or dismissal from the course on disciplinary grounds must be preceded by a disciplinary hearing, as set forth in the implementing procedures of this Code.

Academic dishonesty allegations will be processed in accordance with student conduct procedures set forth in this Code. Students may be subject to both the-Code and separate academic sanctions as determined in the academic judgment of the faculty member as outlined in their course syllabus. Any

student determined by the professor to have been responsible for engaging in an act of academic dishonesty shall be subject to a range of academic penalties (apart from any sanctions that may be imposed pursuant to the Code) as determined by the professor which may include, but not be limited to, one or more of the following: loss of credit for an assignment, examination, or project; a reduction in the course grade; or a grade of "F" in the course, a re-take, or other options deemed appropriate by the faculty.

## **Disciplinary Procedures**

Alleged violations of the University's Title IX- Sexual Misconduct policy will be governed and resolved in accordance with that University policy. All other alleged violations of the Code will be addressed in accordance with the following procedures. Once an alleged violation is reported, the following steps will be followed:

1. The assigned Conduct Official will conduct a preliminary inquiry into the nature of the incident, the evidence available, and the parties involved, to determine if there is sufficient evidence to show a violation of the Code. If there is not sufficient evidence, the assigned Conduct Official will close the matter.
2. If there is sufficient information available for the assigned Conduct Official to show a violation of the Code, the assigned Conduct Official, will request in writing a conduct meeting with the student(s) involved within ten (10) business days of receipt of the incident report. The student will be provided information about the alleged violation of the Code and shall be afforded reasonable access to review relevant evidence or information, redacted consistent with the Family Educational Rights and Privacy Act (FERPA), prior to and during the meeting. The student shall have the opportunity to provide additional and relevant information or the names of witnesses to the assigned Conduct Official, Any such additional information or names must be submitted in writing at least two business days prior to the meeting. The assigned Conduct Official may consider the additional information or interview witnesses at their discretion.
3. The student may accept responsibility for violations of this Code in writing without a conduct hearing. A student who accepts responsibility in writing forfeits all rights to an appeal.
4. A registration hold will be placed on the student(s) account until they have both scheduled and attended their required conduct meeting.
5. The student shall have the opportunity to respond to the information related to the alleged violation of the Code at the conduct meeting. The student may be accompanied by one advisor. The role of the advisor shall be limited to support and consultation; the advisor may not speak during the student conduct proceeding except privately to the student. Violation of this expectation will result in the advisor being removed from the proceeding at the discretion of the assigned Conduct Official. If a student refuses to participate in the conduct meeting, a decision will be made in their absence.
6. A student may be found responsible for any prohibited conduct when behavior that was previously unknown is discovered during the student conduct proceeding or if it is determined that a different section of the Code more appropriately addresses the conduct in question.
7. If the assigned Conduct Official finds, based on a preponderance of evidence, that the responding student(s) is not responsible for violating the code, the process will end, the registration hold will be lifted, and the student will receive a written notification of the finding.
8. If the assigned Conduct Official finds, based on a preponderance of evidence, that the responding student(s) is responsible for violating the code, the assigned Conduct Official will notify the student(s) if

writing of the findings and impose sanctions within three (3) business days of the conduct meeting. The registration hold may be lifted depending on the outcome of the conduct meeting.

### **Student Disciplinary Appeal Committee**

Students found responsible for violating the Code may appeal to the Student Disciplinary Appeal Committee (the "Committee"). The Committee's composition will at minimum include: one (1) faculty, one (1) staff, one (1) student, and will be chaired by the Vice Chancellor of Student Affairs, or their designee.

A letter of appeal must be submitted to the Committee within ten (10) business days of the receipt of the resolution letter from the assigned Conduct Official. The written appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the student conduct proceedings, or an appeal for mercy, are not appropriate grounds for an appeal. The Committee will only consider appeals based on at least one of the following criteria:

- a. Significant procedural error- when a student can demonstrate that a procedural error was made that was significantly prejudicial to the outcome of the proceeding.
- b. Significant substantive error- when a student can demonstrate that the evidence presented at the hearing was not sufficient to justify the decision reached or if the sanction(s) imposed is (are) unreasonably harsh based upon the circumstances of the case.
- c. New evidence a student can demonstrate that information, that was not available or known to exist at the time of the hearing has arisen which, when considered, may materially affect the outcome of the proceeding.

The Committee will consider the appeal. The Committee may by majority vote:

- a. Alter, amend, and/or overturn disciplinary action;
- b. Schedule a rehearing; or
- c. Uphold the assigned Conduct Official's determination and sanction.

The Chair of the Committee will prepare a formal letter detailing the determination of the Committee. The Committee should strive to complete their process within 25 business days. The Committee's decision is final and not subject to further review or appeal.