Policy Name: Student Code of Conduct

Policy Number: 10.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/1/2019

Unit(s) Responsible for Policy Implementation: Office of Community Standards

Purpose of Policy (what does it do): The Student Code of Conduct details what conduct is prohibited on campus and what procedures will be used for adjudicating alleged violations of the code.

Reason for the addition, revision, or deletion (check all that apply):
- [ ] Scheduled Review
- [ ] Change in law
- [ ] Response to audit finding
- [ ] Internal Review
- [ ] Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: This policy has been substantially revised and streamlined.

Specific rationale for each substantive revision: Major revision include eliminating the differentiation between violations with a complainant and those without. A new provision on "Animal Cruelty" has been added to address issues associated with an increase in comfort animals on campus. The process of appealing a determination of responsibility or the severity of the sanctions applied have been streamlined to make them easier for students to navigate.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel
Student Code of Conduct

Original Implementation: January, 1998
Last Revision: July 23, 2021, 2020

Choosing to join the SFA community obligates one to adhere to a code of civilized behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of bigotry. In keeping with this obligation, students and student organizations are expected to conform to the standards outlined in the Student Code of Conduct.

Additionally, at SFA, the community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to “strive for personal excellence in everything we do.” While the Student Code of Conduct articulates the minimum expectations of those in the community, the university encourages students to “hold themselves and others accountable” to the higher standards of The SFA Way root principles: Respect, Caring, Responsibility, Unity, and Integrity.

This document is organized into the following sections:

Article I: Definitions
Article II: Proscribed Conduct
Article III: Procedures
Article IV: Non-Discrimination, Interpretation and Revision

ARTICLE I: DEFINITIONS

1. The term “university” means Stephen F. Austin State University.
2. The term “student” includes all persons enrolled at the university. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but have a continuing relationship with the university, or participate in university sponsored activities prior to enrollment, are considered “students;” as are persons who are living in university residence halls, although not enrolled.
3. The “vice president for university affairs” is the person designated by the university president to be responsible for the administration of the Student Code of Conduct.
4. The term “student conduct administrator” means a university official authorized by the vice president for university affairs or his/her designee to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
5. The term “student conduct authority” means any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.
6. The term “complainant” means any individual(s) who are alleged to have been impacted by a violation of this policy.
7. The term “respondent” means any student accused of violating this Student Code of Conduct.
8. The term “reporting party” means any individual who submits a report alleging a violation of this Student Code of Conduct. The reporting party and complainant may or may not be the same
8.9. The term “responding party” means a student against whom an allegation of prohibited behavior is directed.

9.10. The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing. In a case involving a complainant, the complainant will have the same access to due process as the respondent. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean the student’s official SFA email address.

10.11. The term “student conduct hearing” means a meeting between the student conduct authority and a respondent(s) to determine, through a sharing of information, whether the student(s) has violated the Student Code of Conduct as well as the need for any sanction.

11.12. The term “administrative disposition hearing” means a hearing with a student conduct authority to determine whether a student has violated the Student Code of Conduct and imposing sanctions on students found responsible for violations.

13. The term “advisor” means an individual accompanying a respondent or a complainant in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice and support to the student they are accompanying. The student may select anyone to serve as their advisor but may only have one advisor present during the course of any meeting or hearing (informal or formal). If the chosen advisor is an attorney, the student must inform the student conduct official in advance to allow for the university's attorney to also be present during any meeting or hearing where the advisor-attorney will also be present.

14.15. The term “outcome” means the end result after a hearing (informal or formal).

16.17. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or student conduct hearing board to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or complainant.

18.19. The term “appellate authority” means any person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s determination as to whether a student has violated the Student Code of Conduct or regarding the sanctions imposed by the student conduct administrator.

19.20. The term “faculty member” means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

21. The term “organization” means any number of students who meet as a group,
whether as a registered student organization or as an unaffiliated student organization, while on campus or at a recognized university event.

20. The term “policy” means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, the student handbook, residence life handbook and/or community guidelines, the university web page and online policy manual, computer use policies, graduate and undergraduate general bulletins and the schedule of classes.

21. The term “complicity” means being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Student Code of Conduct are expected to remove themselves from association or participation and are encouraged to report the violation immediately.

22. The term “interim suspension” refers to the suspension of a student after notice but prior to a student conduct hearing when necessary to ensure the safety and well-being of members of the university community. Examples of when an interim suspension may be appropriate include but are not limited to the following: the preservation of university property or programs; to ensure the student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.

23. The term “shall” is used in the imperative sense.

24. The term “may” is used in the permissive sense.

ARTICLE II: PROSCRIBED CONDUCT

A. Jurisdiction of the Student Code of Conduct

This Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the university and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The vice president for university affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion. Student conduct which may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems). Student conduct which may be defined as sex-based misconduct may be reviewed under university policy 2.13 (Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct). Student conduct which may defined as sexual misconduct will be reviewed under policy 2.13 (Sexual Misconduct).

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

1. Dishonesty - Acts of dishonesty, including but not limited to, the following: Acts of dishonesty, including but not limited to the following:
   a. Cheating or plagiarism as defined in university policy 4.1 (Student Academic
Dishonesty), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor-provided materials without permission.

b. Furnishing false information to any university official, faculty member, or office.

c. Forging, alteration, or misuse of any university document, record, or instrument of identification.

d. Fraud as defined in university policy 2.7 (Fraud).

2. Alcohol - Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies 13.7, Alcohol Service, and 13.11, Illicit Drugs and Alcohol Abuse), is prohibited on university premises and university-sponsored events. Students are expected to comply with all state and local laws, as well as all Residence Life regulations regarding the presence of alcohol in the residence halls (see also, Residence Life Community Guidelines) including, but not limited to: Disorderly conduct, disruption or obstruction of teaching, research, administration, living environments, disciplinary proceedings, other university activities, including public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. These acts include, but are not limited to:

a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited. Making or causing any false report, warning, or threat of fire, explosion, or other emergency.

b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited. Interfering with police, fire or emergency service.

c. Being found in a state of public intoxication or drunkenness is prohibited. Failure to evacuate a building or area when directed.

d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited. Willfully disregarding any emergency or fire alarm signal.

e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited. Disorderly conduct or disruptions in classrooms, other instructional areas and university events. This includes unduly interfering with expressive activities or infringing upon the constitutionally protected speech of students, employees, visitors or invited guest.

f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited. Violation of rules set forth in the Residence Life Community Guidelines.

3. Illegal Drugs - The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Abusing legally obtained drugs by failing to take the drug as directed. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled substances, drug paraphernalia or dangerous drug is also prohibited. (See also, policy 13.11, Illicit Drugs and Alcohol Abuse)

Physical abuse, fighting, assault, verbal abuse, threats, intimidation, harassment, bullying, coercion, stalking, or other conduct defined in university policies 13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct), which threatens or endangers the health or safety of any person that is not an exercise of constitutional rights.

4. Harassment - Any conduct (physical, verbal, graphic, written, or electronic) that is

10.4 Student Code of Conduct
sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the university. This provision shall not be used to discipline students for speech protected by the First Amendment. Discrimination, as defined in university policy 2.11 (Discrimination Complaints), sexual assault, sexual abuse, and other sexual misconduct defined in university policies.

5.4.13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct).

6. Harm to Person - Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury is prohibited. Attempted or actual theft of and/or damage to property of the university or property of a member of the university community or other personal or public property, on or off campus. This includes possession of stolen property and other related conduct defined in university policies.

7.5 Hazing, as defined in university policy 10.3 (Hazing).

8.6 Disruptive Behavior - Interference or disruption of students, faculty, administration, staff, the educational mission, or routine operations of the university is prohibited. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter’s ability to conduct the class or program, or the ability of others to profit from the class or program. To remain in the vicinity of activity that is disrupting normal university functions when requested to leave by a university official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well. Engaging in physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

9.7 Animal Cruelty - Prohibited conduct includes: Wrongful use of university goods, services or information including but not limited to:

a. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal. Unauthorized possession, duplication or use of keys to any university premises or unauthorized entry to or use of university premises.

b. Failing to provide necessary food, water or care for an animal in the person’s custody. Unauthorized possession or use of security codes, long distance access codes or calling cards, or cable service.

c. Abandoning an animal in the person’s custody. Sale or use of university property for personal gain.

d. Transporting or confining an animal in a manner that may cause seriously bodily injury to any animal without the owner’s consent. Misuse of proctoring, tutoring, testing or student accommodation services.

de. Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury is prohibited.

10.8 Damage to Property - Intentionally, knowingly, or recklessly causing damage to
property or actions that may cause such damage is prohibited. Examples include removal of window restrictors or security screens; dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs; and/or unauthorized application of graffiti to property. Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university website.

11.9. **Damage to Fire Safety Equipment** - Any tampering, removal, and/or damage to fire and safety equipment on university property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. (See also, Texas Penal Code Section 42.06)

Violation of any federal, state or local law including, but not limited to:

a. Arson,
b. Robbery,
c. Burglary,
d. Forgery,
e. Gambling, and
f. Trespassing.

12.10. **Complicity** – being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that misconduct is prohibited. Use, possession, manufacturing, or distribution of any illegal substance as delineated in university policy 13.11 (Illicit Drugs and Alcohol Abuse), or a simulated illegal substance, or drug paraphernalia.

13. **Guest Responsibility** - Students are accountable for violations their guests may commit while visiting them or the university community. Use, possession, manufacturing, or distribution of alcoholic beverages or products (except as expressly permitted by university policy 13.11 regarding Illicit Drugs and Alcohol Abuse), or public intoxication or other alcohol-related crime. Alcoholic beverages or products may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

14.11. Illegal or unauthorized possession of firearms, ammunition, explosives, fireworks, other weapons, or dangerous chemicals, as outlined in university policy 13.9 (Firearms, Explosives and Ammunition) or use of any item, such as a weapon replica, even if legally possessed, in a manner that harms, threatens or causes fear to others. Possession of weapon replicas will be determined on a case-by-case basis.

12. **Abuse of the Student Conduct Process** - Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to: Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.

a. Failing to participate in a hearing or investigation.
b. Colluding with or intimidating witnesses.
c. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.

15.13. **Failure to Comply** - Students and student organizations are expected to comply with reasonable and lawful requests of university officials in the performance of their duties. University officials include, but are not limited to, faculty, staff, and university police
officers. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness upon reasonable notice. A failure to comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may constitute failure to comply. Theft, destruction or other abuse of computer facilities and resources, as delineated in university policies including, but not limited to: university policies 14.2 (Acceptable Use of Information Resources), 9.3 (Digital Millennium Copyright), or 9.2 (Reproduction of Copyrighted Works by Educators and Librarians). Examples of prohibited acts in these policies include but not limited to:

a. Unauthorized entry into a file or account, to use, read, or change the contents, or for any other purpose.

b. Unauthorized transfer, copying or download of a file or software.

c. Use of another individual’s identification and/or password.

d. Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.

e. Use of computing facilities and resources to send obscene or abusive messages.

f. Use of computing facilities and resources to interfere with normal operation of the university computing system.

g. Use of computing facilities and resources in violation of copyright laws.

h. Violation of any departmental or lab policy.

i. Use of any device that interferes with the normal operations of the university computing system.

16.14. **Misuse of Computing Resources** - Failure to comply with university regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access, or invasion of privacy are prohibited. Misuse and/or other abuse of computer facilities and resources are also prohibited (See also, policy 9.3, Digital Millennium Copyright and policy 9.2, Reproduction of Copyrighted Works by Educators and Librarians). Interfering with the freedom of expression of others on university property or at university-sponsored events.

17. **Misuse of Keys/Access Cards** - No person may use or possess any university key or access card without proper authorization. No student is allowed to have a university key duplicated without prior permission from faculty or staff with authority to provide that permission. Abuse of the student conduct system, including but not limited to:

a. Failure to obey the notice from a student conduct administrator or hearing board or university official to appear for a meeting or hearing as part of the student conduct system.

b. Falsification, distortion, or misrepresentation of information before a student conduct administrator or hearing board.

c. Disruption or interference with the orderly conduct of a student conduct hearing board proceeding.

D. Institution of a student conduct code proceeding in bad faith.

E. Attempting to discourage an individual’s proper participating in, or use of, the student conduct system.

F. Attempting to influence the impartiality of a member of a student conduct hearing board prior to, and/or during the course of, the student conduct hearing board proceeding.

G. Harassment (verbal or physical) and/or intimidation of a student conduct administrator or
member of a student conduct hearing board prior to, during, and/or after a student-conduct code proceeding.

Failure to comply with the sanction(s) imposed under the Student Code of Conduct.

Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

18. Retaliation - Retaliation against any party involved in the student conduct process.

19. Unauthorized Entry or Use - Unauthorized entry into, presence in, or use of university facilities equipment or property is prohibited.

20. Traffic Obstruction - Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised activities.

21. Reckless Operation - Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devises.

22. Weapons - No illegal weapons are allowed on the premise or at university-sponsored events. (see also, policy 13.9 Firearms, Explosives and Ammunition)

23. Sex-Based Misconduct - Due to the intersectionality of misconduct between potential violations of policy 10.4, Student Code of Conduct and the Sex- and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy 2.13, all incidents that allege sex-based discrimination must first undergo assessment, and potential investigation, by the university’s Title IX office. If the potential violation is determined not to rise to the level of a policy 2.13 violation, or when deemed appropriate, information may be sent to investigation or sanctioning under policy 10.4, Student Code of Conduct.

24. Violation of University Policies - Violation of any official university policy, rule, or regulation is prohibited. Such rules include, but are not limited to, Residence Life Community Guidelines, Athletics Student Athlete Handbook, Campus Recreation Center Policies and Procedures, Greek Life policies and procedures, and university Parking Services Regulations.

25. Off-Campus - The university reserves the right to investigate and adjudicate violations that may occur off university premises. The university may take action in situations occurring off university premises involving:

   a. Student misconduct demonstrating flagrant disregard for any person or persons.
   b. When a student or student organization behavior is judged to threaten the health, safety, and/or property of any individual or group.
   c. Any other activity which adversely affects the university community and/or the
pursuit of its objectives. This action may be taken for either affiliated or non-affiliated activities.

26. \textit{Violation of Law} - Violation(s) of any federal, state, or local law including, but not limited to:

\begin{itemize}
\item[a.] Arson
\item[b.] Robbery
\item[c.] Burglary, and
\item[d.] Trespassing
\end{itemize}

C. Violation of Law and University Discipline

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice president for university affairs or designee.

Determinations made or Findings and sanctions imposed under the Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law:

\begin{itemize}
\item[a.] The university will not request or agree to special consideration for that individual because of his or her status as a student.
\item[b.] The university may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the university community.
\item[c.] The university will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus rules or sanctions.
\end{itemize}

ARTICLE III: PROCEDURES

A. Introduction

The following rules of procedure in student disciplinary matters are adopted to ensure that the university will fulfill the requirements of procedural due process in student disciplinary proceedings, outlined in the Student Code of Conduct (10.4) and Residence Life Community Guidelines, both of which are updated annually. Disciplinary procedures within the university shall be definite and determinable as outlined in the Student Code of Conduct (10.4) and the Residence Life Community Guidelines.

These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the president of the university to exercise jurisdiction over disciplinary matters of the university. Cases involving \textit{sex-based misconduct},
including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to university policy 2.13 (Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct). Sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct). Sanctioning and appeals of sanctions in cases involving sexual misconduct will be conducted under this policy.

B. Overview of the Process
When a complaint is received in the Office of Student Rights and Responsibilities, the respondent will be contacted through a university-recognized medium or personal delivery. The student will be provided with a notice to appear for an administrative disposition hearing (informal or formal) with the student conduct authority. Details of administrative disposition procedures are provided below. Once a decision has been made, either the respondent, complainant or both shall have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition. Details of hearing procedures are provided below. A student if the student desires, they may appeal the finding of the hearing decision rendered to the dean of student affairs or designee. If a student desires, they may waive their right to a hearing in favor of a hearing with the dean of student affairs or designee so long as they are appealing the sanction received and not the findings of the student conduct authority. The ruling decision of the dean of student affairs or designee shall be final. Procedures governing appeals are provided below.

C. Filing the Complaint
Any member of the university community may file a complaint against a student alleging a violation or violations of the Student Code of Conduct. Complaints may be submitted in writing to the Office of Student Rights and Responsibilities. Anonymous complaints may be made; however, electing to remain anonymous may significantly limit the university’s ability to investigate, collect evidence, or take effective action against individuals or organizations accused of violating the policy.

D. Filing a False or Frivolous Complaint
Knowingly filing a false or frivolous complaint or knowingly providing false information to intentionally mislead a university official who is investigating or reviewing a complaint is expressly forbidden. A frivolous complaint is one that is made in retribution for another student filing a complaint and cannot be clearly demonstrated as lacking merit. Violators may face charges up to and including suspension or expulsion. The university is the sole party who may file charges of a false or frivolous complaint.

E. Notice of Allegations/Charges
Upon receiving a report of an alleged violation of the Student Code of Conduct, the student conduct administrator will review the report and, if needed, conduct an initial investigation. If there is sufficient evidence to indicate that a violation may have occurred, a notice of allegations/charges will be sent to the respondent, including the alleged incident date and the nature of the charges, with instructions to appear in person at a designated location within five (5) business days to begin the student conduct process. The official means of contacting a the student will be through university email or postal mail. If the student does not respond as instructed, another notice will be sent allowing another five (5) business days to respond. Failure to respond to the second notice may lead to the case being heard in absentia (without the student being
present) and holds placed on the student’s account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed. Appeals to student conduct findings and/or sanctions heard in absentia must be filed within five (5) business days of the student conduct authority or student conduct hearing board’s decision/outcome.

Where-When an incident has or can be reasonably expected/determined to greatly disrupt the university environment, falls within the category of a suspendable offense, or occurs at the beginning or very near the end of a semester, the student may be contacted to come in immediately to begin the process immediately. In addition to notices by email and postal mail, attempts will may be made to contact the student by phone or by-in-person contact by a university employee. This expedited contact is intended to preserve the university living/learning environment and can offer a student found responsible of an infraction options that may be time-limited or time-based, such as withdrawing prior to financial penalties or beginning a suspension period in a timely manner.

Failure by a student to have current contact information on file will not invalidate the notices.

F. Immediate Response
The university reserves the right to take any action as may be reasonably appropriate, upon receipt of a complaint, to protect the complainant or university community pending the final outcome of these procedures. These actions may include, but not limited to, housing reassignments, class schedule changes, and/or restrictions from entering certain buildings and/or participation in certain events. These actions will be handled on a case-by-case basis.

G. Investigation
The student conduct administrator, or designee, will begin an investigation of the case as an impartial party, not as a representative of the complainant. The investigator may interview the reporting party, complainant, the respondent and any other persons who may have pertinent factual information about the case. The process and the potential outcomes will be explained to both the complainant and the accused, especially the use of the investigatory results in the student conduct process. All persons interviewed will be advised that this is a confidential investigation.

The investigator will meet with the respondent and provide the student access to the written complaint. The respondent may choose to respond verbally in the interview or in writing within a specified time. If the respondent accepts responsibility for the complaint allegations, the case shall be resolved at that time through an administrative disposition/hearing or other remediation as deemed appropriate. The complainant contacted with the outcome to the extent allowed by law, as well as the Title IX and ADA coordinators as appropriate. Both students have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition or to appeal the outcome as outlined in the appeals section of this policy.

The investigator may also gather and examine documents and other evidence relevant to the complaint and may consult with appropriate personnel for advice and guidance as applicable. The investigation should be completed within 20 business days. The investigator will document any reasons for an investigation taking longer than 20 business days. The investigation includes the
preparation of the report of findings and recommendations (if appropriate).

H. Burden of Proof
The burden of proof is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more probable than not. The rules of evidence do not apply in any hearing nor are the proceedings to be conducted as judicial trials; however, care shall be taken to comply with the intent of the procedural safeguards provided by these guidelines.

I. Administrative Disposition Hearing (Informal)
Administrative dispositions will be hearings conducted with a single-member student conduct authority who will review the initial report, allow the student to respond or offer additional evidence meet with the respondent, render a decision, and determine sanctions as deemed appropriate. The ability to present witnesses to the alleged incident may be limited in this format. If the student conduct authority is unable to render a decision, or if the details of the case make a formal hearing more advisable, the case may be referred to the student conduct hearing board for a hearing. Otherwise, a student must request a hearing under the hearing procedures after the conclusion of an administrative disposition or appeal the sanction to the dean of student affairs or designee within five (5) business days of the decision or the decision outcome becomes final.

J. Hearing Board (Formal)
A multi-member board composed of at least three individuals university members (typically two faculty/staff and one student) who will conduct hearings serve as the student conduct authority upon request to adjudicate alleged violations. The faculty/staff members will be selected from a pool of appointees from the vice president for university affairs or designee. The students will be selected from a representative of the general student population with input from the student government association president. The respondent will be advised of the board members in the hearing notification described below and have one business day to challenge a board member’s participation based on known facts that would impact impartiality or conflict of interest. The university may replace the student member of the board for certain cases that require additional training or involve sensitive student information. Any alterations to the typical board composition will follow the same notification procedure.

K. Notice of Hearing
The hearing board chair student conduct administrator will provide notice of the hearing transmitted either through a university-recognized medium or personal delivery to the respondent. The notice will set forth the date, time and place of the alleged violation, the conduct in question, and the date, time, and place of the hearing before the student conduct hearing board. The respondent will be informed that an advisor may accompany the respondent to be present during the hearing. The student must notify the student conduct hearing board chair administrator if an attorney is chosen to serve as an advisor to allow the university's attorney to also be present. Failure by the respondent to have a current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) business consecutive calendar days prior to the hearing unless a shorter or longer time is fixed by the chair granted for good cause. Any request for
continuance shall be made in writing to the chair, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

If a new hearing must be set for either the failure of the respondent to show or for a continuance, the chair will notify the student conduct administrator and the respondent of the new date for the hearing. Failure to appear for the newly scheduled hearing will lead to the case being heard in absentia (without the student being present) and holds placed on the student’s account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed.

Appeals to student conduct findings and/or sanctions must be filed within five (5) business days of the student conduct authority’s decision as outlined in the appeal section of these procedures.

L. Role of the Chair in Hearings During Formal Hearing
The chair manages the hearing according to the procedures outlined in this document and ensures it is conducted in a manner consistent with the ascertainment of the truth and the orderly process of justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, with or obstructs, the hearing or fails to abide by the rulings of the chair.

Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee at their request, in which event the ruling of the committee by majority vote shall be final. The chair may also seek guidance from the general counsel prior to or during the hearing on procedural issues.

M. Role of the Student Conduct Administrator During Formal Hearing
In serving both the student conduct hearing board and the respondent, the role of the student conduct administrator is impartial and supportive in nature and there is no involvement in the final deliberations of the board. The student conduct administrator shall provide a summary of the case and initial investigations and may also be called to testify about the outcomes of previous similar cases and the conduct background of the respondent for consideration by the student conduct hearing board for sanctioning if the student is found responsible for a violation of the student code of conduct.

N. Order of Proceedings During Formal Hearing
The student conduct hearing board chair will preside at the hearing, determine the presence or absence of the respondent, verify the receipt of notices of charges by the respondent, the alleged misconduct, call for or report any continuances (rescheduling) requested or granted, determine the presence of any advisor, of the respondent and explain any special or extraordinary additional procedures to be employed during the hearing. The hearing will be recorded in either voice or video format.

The student conduct administrator will begin the process by presenting a general overview of the case to the board outlining the basic nature of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. However, this information is prepared at the
direction of the student conduct hearing board chair after a review of the initial report of the alleged incident. The student conduct administrator is not a part of the student conduct hearing board and serves to provide the board and the respondent with assistance in obtaining the information necessary for as full a hearing of the facts as possible until the hearing has been concluded.

The respondent can—may choose to make opening remarks after the student conduct administrator gives the overview or wait until the any defense witnesses or evidence are conduct in question is presented. The respondent's advisor may advise the respondent, but may not participate in the hearing, for example by questioning witnesses or addressing the board.

The student conduct hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may address the board and inspect and copy the board's findings and determinations. The respondent can—may, but cannot be—is not required to, testify. Any person testifying, including the respondent, shall be subject to cross-examination, subject to other provisions specified in this policy.

The respondent will be afforded an opportunity to obtain necessary witnesses and documentary or other—provide additional evidence. The student conduct administrator will assist in securing the cooperation of witnesses. The student conduct administrator cannot compel other students to appear at a hearing but can—may assist students being called as witnesses with class absence notifications when necessary.

The student conduct administrator will make available any necessary documents and other evidence within the university’s control, to the extent allowed by law. Depending on the nature of the evidence, it may be made available to the respondent during normal university business hours but not released to the respondent and/or in an alternate format such as a photograph or recording.

The hearing is meant to be an exchange of information and a presentation of facts and evidence by witnesses having direct knowledge of the alleged infraction. The student conduct hearing board chair may limit the number of, or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with those who the student conduct hearing board requested. The board members and the respondent may both ask questions.

The board chair may direct the respondent to direct questions to the chair to be asked on the respondent’s behalf at the chair’s discretion. When this process is completed Following, the respondent may call any witnesses or present any additional evidence or information relevant to the current complaint conduct in question.

After all witnesses and evidence has been presented, the respondent may make a closing statement, if desired. The chair may then call on the student conduct administrator for a range of sanctions for the alleged infraction. At this time, the student conduct administrator, the respondent, and any advisor are is excused and, the recording stopped, and for deliberations. The student conduct hearing board analyzes the all information gathered provided, determines what it believes are the facts of the case, and renders a finding of responsible or not responsible, and and/or appropriate sanction, if necessary. These findings are These findings are to

The outcome shall be delivered to the student conduct administrator within 3 business days where an outcome letter will be
prepared for the respondent. The respondent may appeal the decision within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at hearings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

O. Hearing Procedures with a Complainant

When a hearing is held with a complainant, the process will follow the general pattern of the regular hearing in this manner:

a. Summary of the case and initial investigations by the student conduct administrator
b. Opening statement by the complainant (five minutes)
c. Opening statement by the respondent if the respondent chooses (five minutes)
d. Presentation of witnesses and evidence by complainant
e. Presentation of witnesses and evidence by respondent
f. Closing statement by the complainant (five minutes)
g. Closing statement by the respondent if the respondent chooses (five minutes)

The burden of proof is by a preponderance of the evidence. Cross-examination of the witnesses is allowed by both parties. In cases of alleged victimization, the parties shall not be permitted to directly question each other. The student conduct hearing board is permitted to question the parties and/or witnesses at any time during the proceeding. At the conclusion of the complainant’s closing statement, the student conduct administrator, the complainant, the respondent, and any advisors are excused, the recording stopped, and the student conduct hearing board analyzes the information gathered, determines what it believes are the facts of the case, renders a finding of responsible or not responsible, and an appropriate sanction, if necessary. These findings are to be delivered to the student conduct administrator within three (3) business days where an outcome letter will be prepared and sent to the respondent and the complainant to the extent allowed by law and to the Title IX and/or ADA coordinator as appropriate. Any appeal to the board’s decision must be made within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at meetings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

In addition to the procedures outlined elsewhere, the following will also apply:

a. Both the respondent and the complainant will receive the notice of the hearing.
b. Both the respondent and the complainant will have the right to challenge a board member’s participation based on known facts that would impact impartiality or conflict of interest. This selection must be made prior to the hearing, within one day of receiving the notice.
c. Both the respondent and the complainant have the right to have an advisor present.
d. Both the respondent and the complainant may ask for a continuance.
e. Both the respondent and the complainant will have the same opportunity to obtain witnesses and evidence and have the assistance of the university as described.
f. Both the respondent and the complainant will have the right to testify or refuse to testify.

g. Both the respondent and the complainant will have opportunity to cross-examine all witnesses and are subject to cross examination if choosing to give testimony. An intercom or other remote audio or video device may be used in hearings to allow a complainant to testify and respond to questions and cross-examinations without face-to-face contact with the respondent.

h. Both the respondent and the complainant will have the ability to submit a written response to the charges.

P.O. Appeal Procedures
Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for university affairs or his/her designee. There shall be two grounds for appeal. The first is appealing the findings of responsibility and the second is an appeal of the sanction received. Respondents sanctioned under this policy for violation of the Sexual Misconduct policy (2.13) may only appeal the sanction(s) administered under this policy.

Appeal of the Findings of Responsibility
The respondent may appeal the finding of responsibility to the dean of student affairs or designee. The student must file-submit a signed and dated written appeal in to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

Appeal of the Sanction
The respondent may accept the finding of responsibility and but appeal the sanction to the vice president for university affairs or his or her designee. The signed and dated written appeal must be filed submitted in to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent’s university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

Q.P. Confidentiality and Records
All hearings and records (written, electronic, audio or video recording, etc.) pertaining to hearings will be considered education records and will be treated as designated by current law. Student conduct records are kept for two years beyond a student’s final enrollment at the university. Records for cases where a student has been suspended or expelled are held permanently.

Disciplinary actions which result in extended separation from the university and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension, expulsion, or debarment) along with the effective dates of the sanction. Students may request in writing that the notation be removed upon completion of the
sanction. Written requests must include the student’s name and student identification number, and may be submitted to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities will verify a student’s eligibility for the transcript notation to be removed and will notify the Registrar’s Office for removal of the transcript notation.

There will be no disclosure of file contents outside of the university without the written permission of the student, unless required or allowed by law. Disclosure within the university is limited to those employees having legitimate need of the information to conduct university business. Incident reports are generally not released to students to protect the privacy rights of other students involved in the incident. A student may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to current law.

Hearings are audio and/or video recorded. All hearings are closed to the public.

R.Q. Rights of Students in Disciplinary Proceedings

The rights outlined below will be accorded to any student for an alleged violation of the student code of conduct. Both the respondent and complainant shall have the same rights under this Student Code of Conduct unless additional rights are provided to either party according to law.

a. to be present at the hearing;
b. to meet with the student conduct administrator to discuss the disciplinary process;
c. to submit a written account of the alleged incident;
d. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling (a continuance) for good cause;
e. to be present at the hearing and to be accompanied by an advisor of the student’s choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing;
f. to testify at the hearing;
g. to decline to testify, with knowledge that all relevant evidence will be considered and the alleged violation adjudicated;
h. to hear or examine evidence presented against the respondent;
i. to have and cross-examine witnesses, as specified in this policy;
j. to make any statement in mitigation or explanation of the conduct in question;
k. to be informed in writing of the finding and any sanction imposed to the extent allowed by law;
l. to appeal the finding and/or sanction to the proper authority;
m. to waive hearing deadlines as outlined in these procedures.

Additional Rights of Complainant in Disciplinary Proceedings Involving Victimization

Some actions that violate university policy involve victimization of one or more students by another student(s). This behavior may include physical violence and other acts that endanger the safety of others in the university community. Individuals initiating a complaint involving victimization or respondents in these cases are entitled to certain rights during the disciplinary process. Cases involving victimization defined as...
sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct).

If a complaint is filed with the student conduct administrator, it is important to remember that the respondent is being charged with violating a university rule or regulation; therefore, the university is ultimately responsible for investigating, initiating charges, imposing sanctions if the respondent chooses to admit the violation, implementing the hearing process, and determining sanctions following a finding of responsibility. Although a complainant’s input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a complainant withdraws a complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the complainant.

During the course of a disciplinary proceeding, a complainant in cases involving victimization has the following rights:

- to meet with the student conduct administrator to discuss the disciplinary process;
- to have reasonable assistance from the university in remediating any situation where the victim must be in contact with the respondent, such as a change in residence hall or course section assignment or restrictions on entering specific buildings or attending certain events;
- to make an impact statement, either in person or in writing, to the student conduct hearing board for consideration during the sanctioning phase;
- to know the outcome of the process as allowed by laws related to the particular incident.

**S.R. Sanctions**

**Penalties: Admonition**: is a written warning.

**Conduct Probation**: is for a specified period of time and requires that a second offense will *may* result in disciplinary probation or suspension.

**Disciplinary Probation**: is for a specified period of time and may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, holding student office, pledging or joining campus organizations).

**Special Action**: is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, *but are not limited to*, the requirement of a special program or class, payment of damages, extracurricular activity restrictions, restitution, community service, educational sanctions, counseling referrals, removal from any class or program, restrictions on enrollment in any class or program, and restrictions or removal from academic courses, university housing, or extracurricular activities.

**Suspension of an Individual**: is a bar from attending the university for a specific period of time and begins at the date and time specified by the student conduct authority considering the case. A suspension also carries with it the following conditions:

a. The respondent *Student* must remain off the campus during the period of suspension, except when summoned by a university official or when an appointment with an
Suspension of a Student Organization: is a loss of university recognition for a specified period of time as outlined in university policy 10.9 (Student Organization Formation and Recognition). Student organizations are required to cease all activities during the specified period. Student organizations that continue to function during the suspension will be considered in violation of their suspension. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

Expulsion: is a permanent bar from attending the university whereby the student is not eligible for readmission to the university and begins at the date and time specified by the student conduct authority considering the case. An expelled student's status will also carry the following conditions:

a. The expelled student must remain off the campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.

b. A student under expulsion may not live or board in university facilities.

Debarment: is equivalent to suspension from the university applied to persons not currently registered at the time the penalty sanction is imposed.

Interim Suspension: The student conduct authority may, with the approval of the vice president for university affairs or designee, suspend a student for an interim period pending disciplinary proceedings when there is evidence that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions. The student conduct authority may provide for the interim suspension to become immediately effective without prior notice to the student. However, the student conduct authority shall provide notice to the student at the first reasonable opportunity.

The student conduct authority shall inform the student that he/she is entitled of their right to a hearing to be held within five (5) university business days from the effective date of the interim suspension. If the student desires, a preliminary hearing shall then be held on the following issues only:

A. the reliability of the information concerning the student's conduct, including the matter of his/her identity;

B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions.

If the student conduct authority finds the information concerning the respondent's conduct
alleged violation is unreliable or that the respondent has been misidentified, the case may be dismissed. If the student conduct authority finds that allowing the respondent to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing process.

T.S. Status during Appeal
In cases of suspension or expulsion when an appeal is filed within the required time, a respondent may petition the Office of the Dean of Student Affairs in writing for permission to continue to reside on campus and/or attend classes pending final determination of the appeal. The student conduct authority may permit such continuance under such conditions as may be designated pending completion of appellate procedures, provided that such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION

Decisions rendered according to this policy will be made based on observations of a student’s conduct, actions and statements and not on the basis of a student’s race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the vice president for university affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the vice president for university affairs or designee.

Cross Reference: Tex. Educ. Code §§ 51.9315, .9364; Fraud (2.7); Discrimination Complaints (2.11); Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); Students Displaying Serious Psychological Problems (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information Resources (14.2); Residence Life Community Guidelines

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs