Student Conduct Code (D-34.1)

Original Implementation: January 1998
Last Revision: July 19, 2011

To fulfill its mission, Stephen F. Austin State University reserves the right to sanction and/or exclude those members of its community who are disruptive of the educational process. A student enrolling in the university assumes an obligation to conduct him/herself in a manner compatible with the university's mission as an educational institution.

This code shall apply to conduct that occurs on university premises, at university sponsored activities and in electronic communities/instructional sites and to off-campus conduct that adversely affects the university and/or the pursuit of its objectives. This code shall apply to a student’s conduct even if the student withdraws from the university while a disciplinary matter is pending. The vice president for university affairs, or their designee, shall determine, on a case-by-case basis, if this code should be applied to conduct occurring off campus or in electronic communities/instructional sites.

Conduct for which students and student organizations are subject to discipline falls into the categories below. Where such conduct also violates federal, state or local law, the student or student organization may be brought before the appropriate criminal and/or civil magistrate for adjudication while at the same time being subject to the disciplinary proceedings of the university. University proceedings may precede any actions taken by non-university authorities. The determinations and any sanctions resulting from university disciplinary proceedings will be independent of any non-university adjudication. The following list of possible acts is either prohibited by federal, state, or municipal law or by university rules and/or regulations.

1. Hazing (also see university policy D-16, Hazing)

Stephen F. Austin State University is unequivocally opposed to any activity by an organization or individual(s) within the organization that is herein defined as hazing. Hazing is defined as any intentional, knowing or reckless act occurring on or off-campus by one person alone or acting with others, that endangers the mental or physical health or safety of a currently-enrolled or prospective student for the purpose of new member intake, being initiated into, affiliating with, holding office in, or maintaining membership in that organization.

Hazing acts include but are not limited to:

a. any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity;
b. any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
c. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or substance which subjects the student to unreasonable risk of harm or that adversely affects the mental health
of the student;
d. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered at the institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than to submit to the acts described in this policy;
e. any activity that induces, causes, or requires the student to perform a duty or task, which involves a violation of the Penal Code.

Any organization and/or any individual involved in any hazing activity will be subject to both university disciplinary sanctions and criminal prosecution. An offense is committed by (a) engaging in hazing; (b) soliciting, encouraging, aiding or directing another engaging in hazing; (c) intentionally, recklessly, or knowingly permitting hazing to occur, or (d) having first-hand knowledge that a specific hazing incident is being planned or has occurred and failing to report said knowledge in writing to the judicial officer.

It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Individual penalties relative to criminal prosecution range from a fine of $2,000 and 180 days in jail for failure to report a hazing incident to a fine of $10,000 and two years in jail for an incident which causes the death of a student. Further, an organization may be penalized with a fine up to $10,000 or double the expenses due to the injury, damages or loss.

Penalties relative to university sanctions range from probation to expulsion for any individual committing an offense. Student organizations committing an offense may be placed on university probation and are subject to withdrawal of university recognition.

Sanctioned Student Organizations

In compliance with state law, any student organization found responsible of hazing through regular university disciplinary procedures will be listed for three (3) years in any university publication containing the hazing policy. The three-year publication will begin as soon as an organization’s name can be placed in the first available publication containing the policy. A date in parenthesis following an organization’s name will indicate the last year the organization’s name will be included.

2. Illicit Drugs

(Also see university policy D-19, Illicit Drugs and Alcohol Abuse)

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession, use, delivery or sale of any controlled substance or illegal drug, or the delivery or sale of any simulated illegal substance, is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be. Therefore, in accordance with state law and university policy, any student who is determined, through the regular disciplinary procedures of the university, to have violated this policy will be suspended from the university for no more than two years and no less than the remainder of the current semester. At the discretion of the vice president for university affairs, a student suspended under this policy may, under certain conditions, remain enrolled at the university on disciplinary probation. These conditions can include substance abuse evaluation, treatment, and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

3. Committing any criminal offense or other unlawful act under any federal, state, or municipal law, including, but not limited to: a. arson; b. robbery; c. burglary; d. theft; e. disruptive activity; f. forgery; g. gambling; h. disorderly conduct; i. trespassing; j. possession of stolen property; k. unlawful, or unauthorized use, possession, or storage of firearms or weapons on university property; l. entering or remaining on campus after withdrawal of consent to remain on campus; m. refusing to leave a
university building closed to the public; n. possession of drug paraphernalia.

4. Unauthorized use, possession, or storage of explosives, dangerous chemicals or ammunition on university property; or unauthorized use, possession, or storage of weapons on campus or in any campus building (including residence halls). This includes BB/pellet guns, paintball guns, slingshots, bows or other devices meant to fire projectiles.

5. Causing physical harm, or causing reasonable apprehension of physical harm, to any person. This includes, but is not limited to, stalking, terrorist threats, and physical or sexual assaults.

6. Making or causing any false report, warning, or threat of fire, explosion, or other emergency on university property or at university-sponsored activities.

7. Interfering with fire, police or emergency service. This also includes failure to evacuate university facilities or willfully disregarding any emergency or fire alarm signal.

8. Misusing or damaging fire or safety equipment on university property.

9. Interfering with normal university or university-sponsored activities, including, but not limited to, studying, teaching, research, and university administration. Disruptions in classrooms or other instructional areas will be seen as interference with a university activity.

10. Violating the terms of any disciplinary sanction imposed in accordance with these policies.

11. Furnishing false information to the university.

12. Giving false testimony or other fraudulent evidence at any university disciplinary proceeding.

13. Unauthorized alteration or use of any university documents or records.

14. Failing to comply with the directions of a university official, including university police officers and residence hall staff, acting in the performance of their duties.

15. Violating any university policy, rule, or regulation. Such policies, rules, and regulations may include, but not be limited to, the residence hall contract, as well as those policies, rules, and regulations relating to the use of university facilities, handbills and petitions, solicitation, signs, guest speakers, and parades and demonstrations.

16. Interfering with the freedom of expression of others on university property or at university-sponsored activities.

17. Advocating, orally or in writing, the conscious and deliberate violation of any federal, state, or local law. For the purposes of this section, "advocacy" means preparing the group addressed for imminent action and directing it to such action with the likelihood of producing that action, as opposed to the abstract espousal of the moral propriety of a course of action.

18. Damaging, defacing, or destroying the property of others on university property or at university-sponsored activities.

19. Damaging, defacing, or destroying university property, including, but not limited to, buildings, statues,
monuments, library and teaching materials, memorials, trees, shrubs, grasses, and flowers.

20. Wrongful utilization of university goods, services or information including, but not limited to, unauthorized possession or use of university keys, security codes, long distance phone access codes or calling cards, cable service, testing, proctoring or tutoring services, and sale or use of university property for personal gain.

21. Improper use of student identification card. This includes allowing use of card by another to obtain services such as, but not limited to meals, event admission, and library services. (Also see policy F-27, Student ID Cards).

22. Unauthorized or illegal use, possession or distribution of alcoholic beverages or products on university property or at university-sponsored activities, including, but not limited to, intercollegiate and intramural athletic events on university grounds, in academic and administrative buildings, public intoxication, or any alcohol-related crime. Housing policies dictate use of alcohol in residence halls and on-campus apartments. (Also see university policy D-19, Illicit Drugs and Alcohol Abuse).

23. Unauthorized use, possession, or storage of fireworks on university property.

24. Unauthorized throwing of any object in or from a university facility.

25. Littering on university property or at university-sponsored activities.

26. Theft, destruction or other abuse of computer facilities and resources, as delineated in university policies including, but not limited to: university policy D-8.1, Computer & Network Security; university policy D-42, Digital Millennium Copyright; university policy D-43, Computing Software Copyright; or university policy F-40, Acceptable Use of Information.

Examples of prohibited acts in these policies include:

a. Unauthorized entry into a file or account, to use, read, or change the contents, or for any other purpose.
b. Unauthorized transfer or copying 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 threatening 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. Use of computing facilities and resources activities related to personal for-profit ventures unrelated to the educational mission of the university
i. Violation of any departmental or lab policy.

The unauthorized use of the emergency exit doors of the university shuttle buses. (Use is authorized in an emergency endangering the life and safety of passengers and driver).

Sexual harassment, as defined in university policy E-46, Discrimination Complaints / Sexual Harassment, sexual assault, sexual abuse or other sexual misconduct.
Selling or distributing course lecture notes, handouts, readers or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.

Violating any rule, regulation, or law for which the university could be penalized including but not limited to fire, safety, or environmental codes.

Disrupting the normal university community living or learning environment to the extent that the rights and/or safety of others are denied.

Cross Reference: Hazing (D-16); Illicit Drugs and Alcohol Abuse (D-19); Student ID Cards (F-27); Computer & Network Security (D-8.1); Digital Millennium Copyright (D-42); Computing Software Copyright (D-43); Acceptable Use of Information (F-40); Discrimination Complaints/Sexual Harassment (E-46); Discipline and Discharge (E-11)

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs