



## **Code of Student Conduct and Academic Integrity**

### **Purpose**

This policy prescribes the standards of conduct students are required to adhere to as a student of Stephen F. Austin State University (SFA).

### **Persons Affected**

This policy affects all students, regardless of classification, enrolled at SFA.

### **Table of Contents**

<b>Article I – Standards of Conduct</b> .....	2
<b>Article II – Application and Jurisdiction</b> .....	2
<b>Article III – Definitions</b> .....	3
<b>Article IV – Prohibited Academic Conduct</b> .....	4
<b>Article V – Prohibited Behavioral Conduct</b> .....	5
<b>Article VI – Investigations and Conduct Process – Academic Conduct</b> .....	9
<b>Article VII – Investigations and Conduct Process – Behavioral Conduct</b> .....	10
<b>Article VIII – Formal Hearing Process</b> .....	12
<b>Article IX – Student Organizations Formal Hearing Process</b> .....	14
<b>Article X – Sanctions</b> .....	16
<b>Article XI – Appeals</b> .....	17
<b>Article XII – Transcript Notations and Conduct Records</b> .....	18



### **Article I – Standards of Conduct**

- a. Enrolling at Stephen F. Austin State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, right, and property of others; and an intolerance of discrimination and harassment. In keeping with this obligation, Students and Student Organizations are expected to comply with the standards outlined in this Code of Student Conduct and Academic Integrity.
- b. All Students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with The University of Texas System and institutional rules and regulations. This Code contains rules for adjudicating alleged violations of University policy, in a manner consistent with the requirements of procedural due process and in accordance with The University of Texas System Rules and Board of Regents' Rule: 50101.

### **Article II – Application and Jurisdiction**

- a. The Dean of Students has primary authority and responsibility for the administration of the University process for students alleged to have engaged in conduct that violates this Policy.
- b. The standard of proof utilized in the conduct process is a preponderance of the evidence, or it is more likely than not the violation occurred.
- c. Any Student or Student Organization that violates the institution rules and policies, specific instructions issued by an administrative official of the institution or The University of Texas System acting in the course of his or her authorized duties, or federal, staff, or local laws is subject to discipline. The provisions of this Code cover conduct occurring on campus. It also covers conduct occurring off-campus, including but not limited to university off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct. The Vice President of Student Affairs, or their designee, shall decide if other behaviors occurring off-campus will be subject to this Policy. This Code does not apply to matters subject to SFA HOP 01-307 Title IX.
- d. University disciplinary action may be instituted against a student charged with conduct that potentially violates both the civil/criminal law and University policy or rules without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Policy may be carried out prior to, simultaneously with, or following criminal proceedings off campus. Disciplinary decisions and sanctions imposed under this Policy will not be subject to change based upon the outcome of criminal charges or decisions.
- e. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct under this policy.



### **Article III – Definitions**

- a. Academic Sanction – A sanction affecting a student’s grade, including but not limited to, a warning, a grade reduction for an assignment, for a test, or for the entire course.
- b. Administrative Resolution – A document signed by the student and the Dean of students, or their designee, which includes a statement of the alleged violations, the findings, the sanction(s), and a waiver of the hearing procedures and possibly a waiver of appeals under Regents’ Rules and Regulations, Rule 50101, Section 2, and institutional rules regarding student discipline.
- c. Advisor – an individual serving as a guide for the Complainant or Respondent during the student conduct process. An Advisor may confer with and advise the Student Complainant, Student Respondent, or Student Organization Respondent but may not directly participate in a meeting with the accusing Faculty Member, Dean of Students or their designee, or hearing with a Formal Hearing Officer(s).
- d. Appeal – The review by the designated Appeal Officer of the full record of the student conduct process and the Academic Sanction(s) or Behavioral Sanction(s) imposed.
- e. Appeal Officer – The person or persons designated by the President of the institution to consider the appeal of an outcome of the student conduct process.
- f. Campus – All real property, buildings, or facilities owned or controlled by the institution.
- g. Complainant – the individual who is alleged to be the victim of any prohibited conduct under this policy.
- h. Day – a calendar day. For purposes of calculating any period of days in this Policy, if the last day of the period falls on a Saturday, Sunday, or an official holiday, or is a day when the University is closed due to an emergent situation, the period continues to run until the next day that is not a Saturday, Sunday, an official holiday, or a day when the University is closed due to an emergent situation.
- i. Dean or Dean of Students – The administrative officer or officers responsible for the administration of the disciplinary process at Stephen F. Austin State University. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.
- j. Email – The University’s recognized medium for means of communicating with Respondents or Complainants. An Email is considered delivered once it is sent.
- k. Formal Hearing Officer – The individual or individuals selected in accordance with formal procedures adopted pursuant to the recommendation of the Vice President of Student Affairs to hear disciplinary charges, make findings of fact, and, upon a finding of responsible, impose an appropriate sanction(s).
- l. Faculty Member – The person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a Faculty member.
- m. Faculty Resolution – A document signed by the Student and the accusing Faculty member which includes a statement of the alleged violations, the findings, the sanction(s), and a waiver of the hearing procedures and possibly a waiver of appeals under Regents’ Rules and Regulations, Rule 50101, Section 2, and institutional rules regarding student discipline.
- n. Interim Disciplinary Action – Disciplinary action adverse to a Respondent taken against the Respondent before a finding of responsibility for a policy violation. Interim Disciplinary Action may include suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus. Decisions to take Interim Disciplinary Action reside with the Dean of Students.
- o. Respondent – The Student or Student Organization accused of an alleged policy violation.



- p. Student – the following persons shall be considered Students for the purposes of this Policy:
  - i. A person currently enrolled at Stephen F. Austin State University.
  - ii. A person accepted for admission or readmission to the institution.
  - iii. A person who has been enrolled at the institution in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
  - iv. A person who engaged in prohibited conduct at a time when they met the criteria of i, ii, or iii above.
- q. Student Organization – Any number of Students who meet as a group, whether as a registered Student Organization or as an unaffiliated Student group. This includes, but is not limited to, sport clubs, athletic teams, and other types of Student groups. The Student Organization’s executive officer will serve as the representative for the Student Organization during the student conduct process.
- r. University/Institution – Stephen F. Austin State University or SFA.
- s. Vice President of Student Affairs – The administrative officer primarily responsible for the development and administration of policies related to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

#### **Article IV – Prohibited Academic Conduct**

Any Student who commits an act of academic dishonesty is subject to discipline. Academic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person without giving sufficient credit, taking an examination for another person, or any act designed to give unfair advantage to a Student or the attempt to commit such acts.

- a. Cheating is the following or attempt to do the following:
  - i. Copying from the test paper (or other assignment) of another Student, engaging in written, oral, or any other means of communication with another Student during a test, or giving aid to or seeking aid from another person during a test or on another assignment where doing so is prohibited by the Faculty member;
  - ii. Possession and/or use during a test of materials which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed “crib notes”;
  - iii. Using, obtaining, or attempting to obtain by any means the whole or any part of a non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, without permission of the Faculty member; or accessing a test bank without Faculty permission;
  - iv. Substituting for another person, or permitting another person to substitute for one’s self, to take a test;
  - v. Falsifying research data, laboratory reports, and/or other records or academic work offered for credit;
  - vi. Using any sort of unauthorized resources or technology in completion of educational activities.
- b. Plagiarism is the appropriation of material that is attributable in whole or in part to another source or the use of one’s own previous work in another context without citing that it was



used previously, without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements.

- c. Collusion is the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on academic dishonesty, including disclosing and/or distributing the contents of an exam.
- d. Misrepresenting facts for academic advantage to the University or an agent of the University. This includes providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another Student academically or financially.
- e. Other Academic Misconduct - any activity in which a student receives or attempts to receive an unfair academic advantage for themselves or creates an intentional unfair academic advantage for others. This includes posting course information on public websites without the explicit consent of the instructor.

## **Article V – Prohibited Behavioral Conduct**

- a. Alcohol Possession and Use
  - i. Possession, use, and/or consumption of alcohol beverages by persons under the age of 21.
  - ii. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
  - iii. Possession or consumption of alcohol beverages in unauthorized locations on campus, regardless of age.
  - iv. The sale, distribution, or furnishing of alcohol beverages, or otherwise facilitating consumption of alcohol for/by persons under the age of 21.
  - v. Participation in drinking games or what could be perceived as drinking games, contests (e.g. beer pong, water pong, flip cup, etc.) by persons under the age of 21.
  - vi. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs).
  - vii. Any activity or conduct involving the use of alcohol that is in violation of law.
- b. Animals
  - i. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
  - ii. Bringing any unauthorized animal into any building owned, leased, or controlled by the University (e.g. residence halls and any dining facilities).
  - iii. Excessive noise or destruction of property from service or assistance animals.
  - iv. Failure to properly clean up after the animal.
  - v. Failure to properly maintain control of the animal (e.g. the use of a leash).
- c. Classroom Disruption
  - i. Any classroom behavior (regardless of course delivery method) that interferes with the Faculty member's ability to conduct class, failure to conform to the Faculty member's announced expectations for the class, or the ability of other Students to learn.



- d. Damage or Destruction of Property
  - i. Vandalism of or damaging University property or property of another individual.
- e. Disorderly Conduct
  - i. Disruption or interference of the normal or routine operations of the University.
  - ii. Failure to comply with a reasonable and lawful request of a University employee, including SFA University Police.
  - iii. Engaging in speech (either orally or in writing) which is directed to incite or produce imminent lawless action and is likely to incite or produce such action.
  - iv. Any assembly for the purpose of causing a riot, destruction of property, or other disorderly conduct, which interferes with the normal operations of the University.
  - v. Facilitation of Student misconduct including, but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates this Policy.
  - vi. Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. This may include, but is not limited to, the operation of a vehicle, bicycle, skateboard, scooter, or other mobile device.
- f. Drugs
  - i. The possession, consumption, or use of any illegal substance (substance controlled by Federal or Texas law) or synthetic cannabinoid.
  - ii. The manufacture, cultivation, distribution, purchase, or taking delivery of any illegal substance (substance controlled by Federal or Texas law) or synthetic cannabinoid.
  - iii. Misuse or improper possession of prescription medication.
  - iv. Possession and/or use of any drug paraphernalia (e.g. bowls, hookah pipes, bongs, “homemade” smoking devices, or any other smoking device or smoking paraphernalia).
  - v. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by Federal or Texas law or synthetic cannabinoid.
  - vi. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
- g. Explosives, Weapons, or Hazardous Chemicals
  - i. Possession or use (unless allowed by state or federal law) of any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon (as defined by state or federal law) while on Campus. Violations of the Campus Carry policy will be administered under this Policy.
- h. False Information
  - i. Any misuse of any University record, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.
  - ii. Providing false information to law enforcement, SFA employees acting within the scope of their role, or the University.
  - iii. Possession of any fake, altered, or any other identification that belongs to another person.
  - iv. Lending, selling, or otherwise transferring an identification card.
- i. Fire Safety
  - i. Any failure to evacuate or immediately respond to a fire alarm.
  - ii. Participation in creating or causing a false fire alarm.



- iii. Participation in tampering, disconnecting, or altering any fire alarm system, equipment, or component.
- iv. Improper discharge of a fire extinguisher.
- v. Failure to follow the instructions of a University employee or emergency personnel during fire alarms.
- vi. The possession, use, manufacture, and/or sale of any incendiary device (e.g. fireworks).
- j. Gambling
  - i. Engaging in gambling on property, buildings, or facilities owned or controlled by the University.
- k. Harm
  - i. Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.
  - ii. Endangering the physical health or safety of any person or actions that may cause a reasonable apprehension of harm.
  - iii. Harassment (physical, verbal, graphic, written, or electronic) that is 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.
  - iv. Bringing a non-Student or non-community member into the University community that puts a Student, or individual, or the University community at risk of physical injury or death.

**l. Hazing**

Any Student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (*Texas Education Code* Section 51.936 and Sections 37.151-37.157). Hazing with or without the consent of a Student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the Student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

“Hazing” means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a Student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:

- i. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
- ii. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar 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;
- iii. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student;



- iv. any activity that induces, causes, or requires the Student to perform a duty or task that involves a violation law; or
- v. any activity that intimidates or threatens the Student with ostracism, that subjects the Student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the Student or discourages the Student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a Student to leave the organization or the institution rather than submit to acts described in this subsection.

In an effort to encourage reporting of hazing, the University may grant immunity from Student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

- m. Joint Responsibility
  - i. Students who knowingly act or plan to act in concert to violate University regulations.
  - ii. Any Student who knowingly allows another person to violate University regulations without reporting to a University official.
- n. Misuse of Computing Resources
  - i. Failure to comply with University policies, license agreements, or contracts.
  - ii. Unauthorized alteration or destruction of computer equipment, software, network, data, or system performance.
  - iii. Unauthorized copying or distribution of University data.
  - iv. Possession or use of improperly obtained software.
- o. Obstruction of the Student Conduct Process
  - i. Colluding with or intimidating persons part of the student conduct process.
  - ii. Providing false or incomplete information which may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
  - iii. Deliberately disrupting or interfering with the student conduct process.
- p. Prohibited Conduct During Suspension
  - i. Conduct which may violate this Policy or other University policy while on suspension.
- q. Retaliation
  - i. Any form of retaliation against an individual who has brought a complaint under this Policy or other University policy or participated in an investigation or disciplinary process of such complaint.
- r. Solicitation
  - i. Commercial solicitation on campus or with University resources without prior approval from the appropriate University official.
- s. Theft or Improper Possession
  - i. Taking, possessing, or attempting to sell or distribute any property that is the property of another person or entity, including the University.
  - ii. Taking or attempting to sell any service that belongs to the University without proper permission.





- t. Unauthorized Use or Entry
  - i. Engaging in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the University.
  - ii. Unauthorized entry on or into any University building, office, residence hall, motor vehicles, or other facility.
- u. Violation of Policy or Law
  - i. Any act that violates published University policy.
  - ii. Any act that violations local, state, or federal law.
  - iii. Any act that violates the SFA Residence Life Community Guidelines.
  - iv. Any act that violates Student Life policy.

### **Article VI – Investigations and Conduct Process – Academic Conduct**

The Dean of Students may delegate authority to each college academic dean who may further delegate authority to a Formal Hearing Officer or accusing Faculty member to adjudicate violations of Article IV of this policy. The accusing Faculty member will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The accusing Faculty member may proceed with the disciplinary process even if the Student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal disciplinary action.

- a. Investigation
  - i. Allegations of misconduct will be investigated by the accusing Faculty member. The accusing Faculty member may contact a Student for a meeting for purposes of the investigation and/or to discuss the allegations. The accusing Faculty member may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.
- b. Reviewing the Evidence and Determining Sanctions
  - i. The accusing Faculty member will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the accusing Faculty member will offer the Student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.
- c. Withholding Transcripts, Grades, Degrees
  - i. The Dean of Students may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a Student alleged to have violated a rule or regulation of the University. The Dean of Students may take such action pending a hearing, resolution by Administrative Resolution, and/or exhaustion of appellate rights if the Dean of Students has provided the Student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean of Students, the best interests of the U. T. System or the University would be served by this action.
- d. Faculty Resolution



- i. In any case where the Student Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the accusing Faculty member assesses, the Student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Faculty Resolution shall be final and there shall be no subsequent proceedings regarding the charges.
  - ii. Alternatively, a Student may elect to sign a Faculty Resolution waiving the right to the hearing under Article VIII but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President's designee as determined by institutional procedures in accordance with Article XI of this Policy.
  - iii. A Student may also fully decline the Faculty Resolution and seek resolution by Formal Hearing.
- e. Formal Hearings
- i. In those cases in which the Student does not accept the Faculty Resolution under section d above or the University does not offer a Faculty Resolution, the charges shall be heard and determined by a fair and impartial Formal Hearing Officer Panel, comprised of representatives from Academic Affairs, in accordance with Article VIII of this Policy.
  - ii. The academic dean or their designee has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- f. Informal Resolution
- i. The Dean of Students may, at their discretion, elect to resolve some cases through informal resolution. Informal resolutions will not be taken into consideration for additional violations of this policy.
  - ii. Informal resolutions for academic conduct cases are addressed between the accusing Faculty Member and the Student.

### **Article VII – Investigations and Conduct Process – Behavioral Conduct**

The Dean of Students will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The Dean of Students may proceed with the disciplinary process even if the Student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal disciplinary action.

If there is a more specific policy that specifies the procedures for the investigatory and disciplinary process, such as the Sexual Misconduct Policy, that policy will govern. Student violations of the University Free Speech Policy will follow the procedures in this Policy.

- a. Investigation
  - i. Allegations of misconduct will be investigated by the Dean of Students. The Dean of Students may contact a Student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean of Students may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. If a Student fails to appear without good cause, as determined by the Dean of Students, the Dean of Students may bar or cancel the Student's enrollment or otherwise alter the status of the Student until the Student complies with the summons. If the Student failing to appear as directed in



a summons is the Student against whom charges are being reviewed, in addition to the above, the Dean of Students may proceed with disciplinary action based upon other information available using the disciplinary procedures in this Policy. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.

- b. Reviewing the Evidence and Determining Sanctions
  - i. The Dean of Students will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Dean of Students will offer the Student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.
- c. Interim Disciplinary Action
  - i. Pending a hearing or other disposition of the allegations against a Respondent, the Dean of Students may take immediate Interim Disciplinary Action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean of Students may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Article VIII(a) of this Policy, unless the Respondent agrees to an Administrative Resolution under Article VII(e).
- d. Withholding Transcripts, Grades, Degrees
  - i. The Dean of Students may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a Student alleged to have violated a rule or regulation of the University. The Dean of Students may take such action pending a hearing, resolution by Administrative Resolution, and/or exhaustion of appellate rights if the Dean of Students has provided the Student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean of Students, the best interests of the U. T. System or the University would be served by this action.
- e. Administrative Resolutions
  - i. In any case where the Student Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Dean of Students assesses, the Student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Administrative Resolution shall be final and there shall be no subsequent proceedings regarding the charges.
  - ii. Alternatively, a Student may elect to sign an Administrative Resolution waiving the right to the hearing under Article VIII but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President's designee as determined by institutional procedures in accordance with Article XI of this Policy.



- iii. A Student may also fully decline the Administrative Resolution and seek resolution by Formal Hearing.
- f. Formal Hearings
  - i. In those cases in which the Student does not accept the Administrative Resolution under Article VII or the University does not offer an Administrative Resolution, the charges shall be heard and determined by a fair and impartial Formal Hearing Officer in accordance with Article VIII of this Policy.
  - ii. The Dean of Students has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- g. Informal Resolution
  - i. The Dean of Students may, at their discretion, elect to resolve some cases through informal resolution. Informal resolutions will not be taken into consideration for additional violations of this policy.
  - ii. Informal resolutions for behavioral conduct cases are addressed between the Dean of Students and the Student.

### **Article VIII – Formal Hearing Process**

- a. Interim Disciplinary Action Accelerated Hearing
  - i. When Interim Disciplinary Action has been taken by the Dean of Students under Article VII(c) above and remains in place following the opportunity for the Student to address the allegations and/or potential threat, the Student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified in Article VII(e) of this Policy within 10 days after the interim disciplinary action was taken; however, if the Dean of Students determines that there is good cause, the 10-day period may be extended for a reasonable period.
- b. Notice of Hearing
  - i. Except in those cases where immediate interim disciplinary action has been taken, the Student Respondent shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Formal Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, the University will provide the Student Respondent all evidence obtained related to the allegation(s). The notice shall be emailed to the Student at the e-mail address on record with the University. A notice sent via email will be considered to have been received on the day sent. The date for a hearing may be postponed by the Formal Hearing Officer for good cause or by agreement of the Student and Dean of Students. If the Student fails to appear, the Hearing will proceed without the benefit of the Student's presence.
- c. Impartiality of the Formal Hearing Officer(s)
  - i. The Respondent may challenge the impartiality of a Formal Hearing Officer(s). The challenge must be in writing, state the reasons for the challenge, and be submitted to the Formal Hearing Officer(s) through the Dean of Students Office at least three days prior to the hearing. The Formal Hearing Officer(s) shall be the sole judge of whether they can serve with fairness and objectivity. In the event a Formal Hearing Officer(s) recuses themselves, a substitute will be chosen.
- d. Duties of Formal Hearing Officers



- i. The Formal Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Formal Hearing Officer(s) shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System. Within 5 days of the hearing, the Formal Hearing Officer(s) shall render and send to the Dean of Students and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged. Upon a finding of responsibility, the Formal Hearing Officer(s) shall assess a sanction or sanctions specified in Article IV of this Policy.
- e. Procedures
- The hearing shall be conducted in accordance with the following procedures:
- i. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing. If the hearing is an Accelerated Hearing under Article VIII(a), this information should be provided at least 3 days before the hearing.
  - ii. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Formal Hearing Officer), and be assisted by an Advisor of choice. The Advisor may be an attorney. If the Respondent's advisor is an Attorney, the Dean of Student's Advisor may be an attorney from the Office of General Counsel of the U.T. System. An Advisor may confer with and advise the Dean of Students or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Formal Hearing Officer(s).
  - iii. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
  - iv. The Dean of Students may recommend a sanction to be assessed by the Formal Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the Student Respondent, and/or other factors deemed relevant by the Dean of Students. The Student Respondent shall be entitled to respond to the recommendation of the Dean of Students. In making the sanctioning decision, the Formal Hearing Officer will take into consideration any mitigating or aggravating factors.
  - v. The hearing will be recorded. If either party desires to Appeal the decision of the Formal Hearing Officer(s) in accordance with Article XI of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Formal Hearing Officer(s). The recording will be made available upon request to the Dean of Students and the Respondent within 3 days of the hearing date.



## **Article IX – Student Organizations Formal Hearing Process**

- a. Investigation
  - i. Allegations of misconduct will be investigated by the Dean of Students. The president of the Student Organization will typically serve as the representative of the Student Organization. The Dean of Students may contact this individual or any other Student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean of Students may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. If a Student fails to appear without good cause, as determined by the Dean of Students, the Dean of Students may bar or cancel the Student's enrollment or otherwise alter the status of the Student until the Student complies with the summons. If the Student failing to appear as directed in a summons is the Student against whom charges are being reviewed, in addition to the above, the Dean of Students may proceed with disciplinary action based upon other information available using the disciplinary procedures in this Policy. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.
- b. Interim Disciplinary Action
  - i. Pending a hearing or other disposition of the allegations against a Student Organization, the Dean of Students may take immediate Interim Disciplinary Action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean of Students may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Article VIII(a) of this Policy, unless the Respondent agrees to an Administrative Resolution under Article VII(e).
- c. Reviewing the Evidence
  - i. The Dean of Students will review the evidence, determine whether the case will be referred to a formal hearing or if the case will be dismissed, due to unsubstantiated evidence.
- d. Notice of Hearing
  - i. Except in those cases where immediate interim disciplinary action has been taken, the organization shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Formal Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, the University will provide the organization all evidence obtained related to the allegation(s). The notice shall be emailed to the president of the organization at the e-mail address on record with the University. A notice sent via email will be considered to have been received on the day sent. The date for a hearing may be postponed by the Formal Hearing Officer for good cause or by agreement of



the Student and Dean of Students. If the Student Organization fails to appear, the Hearing will proceed without the benefit of the Student Organization's presence.

e. Duties of Formal Hearing Officers

- i. The Formal Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Formal Hearing Officer(s) shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System. Within 5 days of the hearing, the Formal Hearing Officer(s) shall render and send to the Dean of Students and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged. Upon a finding of responsibility, the Formal Hearing Officer(s) shall assess a sanction or sanctions specified in Article X of this Policy.

f. Procedures

The hearing shall be conducted in accordance with the following procedures:

- i. The Student Organization will receive a copy of the investigative report and all documentation to be presented by the Dean of Students during the hearing.
- ii. The Student Organization shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Formal Hearing Officer), and be assisted by an Advisor of choice. The Advisor may be an attorney. If the Student Organization's advisor is an Attorney, the Dean of Student's Advisor may be an attorney from the Office of General Counsel of the U.T. System. An Advisor may confer with and advise the Dean of Students or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Formal Hearing Officer(s).
- iii. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- iv. The Dean of Students may recommend a sanction to be assessed by the Formal Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the Student Organization, and/or other factors deemed relevant by the Dean of Students. The Respondent shall be entitled to respond to the recommendation of the Dean of Students. In making the sanctioning decision, the Formal Hearing Officer will take into consideration any mitigating or aggravating factors.
- v. The hearing will be recorded. If either party desires to Appeal the decision of the Formal Hearing Officer(s) in accordance with Article XI of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Formal Hearing Officer(s). The recording will be made available upon request to the Dean of Students and the Respondent within 3 days of the hearing date.



## **Article X – Sanctions**

The following sanctions, either singularly or in any combination, may be assessed by the Dean of Students or by the Formal Hearing Officer(s) as applicable, in accordance with these procedures:

- a. Conduct Status (Academic or Behavioral Conduct)
  - i. Warning – official notice the behaviors of the Student do not align with the expectations of the University.
  - ii. Conduct Probation – this means the Student is not in good conduct standing with the University. Further violations of this Policy *may* result in Suspension or Expulsion.
  - iii. Deferred Suspension – this means the Student is not in good conduct standing with the University. Further violations of this policy *will* result in Suspension or Expulsion.
  - iv. Suspension – removal from the University for a specified period of time or until the Student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term “Disciplinary Suspension” during the term of the suspension or until all conditions of the suspension are met. Students who are suspended are also barred from being on the campus of any U.T. System institution without prior written approval of the Vice President of Student Affairs of that institution.
  - v. Expulsion – Permanent separation from the University. Expulsion creates a permanent notation on the Student’s academic transcript. Students who are expelled are also barred from being on the campus of any U.T. System institution without prior written approval of the Vice President of Student Affairs of that institution.
- b. Educational sanction – Completion of specified education sanction(s) related to the violation committed (Academic or Behavioral Conduct)
- c. Withholding of grades, official transcript, and/or degree (Behavioral Conduct)
- d. Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the institution (Academic or Behavioral Conduct)
- e. Restitution or reimbursement for damage to or misappropriation of University or U.T. System property (Behavioral Conduct)
- f. Suspension of rights and privileges, including participation in athletic or extracurricular activities (Behavioral Conduct)
- g. Any Academic Sanction, including a failing grade or reduction of a grade for an examination, assignment, or for a course (Academic Conduct)
- h. Denial of degree (Academic or Behavioral Conduct)
- i. Revocation of degree and withdrawal of diploma (Academic or Behavioral Conduct)
- j. Any other sanction as deemed appropriate under the circumstances (Academic or Behavioral Conduct)

Sanctioning guidelines for both Academic and Behavioral Conduct are provided on the Dean of Students Office website. In assessing and approving sanctions for academic dishonesty, the Dean of Students shall give preference to the recommended sanction of the faculty member involved, provided the recommended penalty is within the Academic Integrity Violation Sanctioning Guidelines listed on the Dean of Students website.





## **Article XI – Appeals**

A Respondent may appeal a disciplinary sanction assessed by the accusing Faculty member or Dean of Students in accordance with Articles VI(d)b and VII(e)b. A Respondent may also appeal the Dean of Student's determination of responsibility or sanction in accordance with Article VIII above. The accusing Faculty member, Dean of Students, or the Student may appeal the decision of the Formal Hearing Officer(s). An appeal shall be in accordance with the following procedures:

a. **Bases for Appeal**

A Respondent (and the accusing Faculty member or Dean of Students, where applicable) may appeal on any of the following grounds:

- i. The sanctions imposed are inappropriate and/or not commensurate with the circumstances (Note: this is the only appeal option available for Faculty Resolutions under Article VI(d)b or Administrative Resolutions under Article VII(e)b).
- ii. A procedural irregularity affected the outcome of the matter.
- iii. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter.
- iv. The accusing Faculty member, Dean of Students, investigator(s), or Formal Hearing Officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

b. **Appeal Procedures**

- i. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the Appeal Officer with a copy to the other party. The appeal must be stamped as received in the office of the Appeal Official no later than 14 days after the appealing party has been notified of the sanction assessed by the accusing Faculty member, Dean of Students, or the decision of the Formal Hearing Officer(s). The nonappealing party may, but is not required to, submit a response to the appeal within 7 days of receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party has been notified of the sanction or the date the appealing party received a copy of the Formal Hearing Officer's decision is 3 days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the email was sent.

An Appeal of the sanction(s) assessed by the accusing Faculty member or Dean of Students in accordance with Articles VI or VII or will be reviewed solely on the basis of the written argument of the Student and the accusing Faculty member or Dean of Students. The appeal of the decision of the Formal Hearing Officer(s) will be reviewed solely on the basis of the record from the hearing. The Dean of Students will submit the record from the hearing to the Appeal Officer as soon as it is available to the Dean of Students. The Appeal Officer, may, at the Appeal Officer's discretion, entertain oral arguments in an appeal from the decision of the Formal Hearing Officer(s). The Appeal Officer may also engage subject matter experts for purposes of some Academic Conduct violations.

c. **Appeal Officer's Authority**

- i. The Appeal Officer may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

d. **Communication of Decision**



- i. The Appeal Officer's decision shall be communicated in writing to the Respondent, the accusing Faculty member (if applicable), and Dean of Students within 10 days after receiving the Appeal and official record. The decision of the Appeal Officer is the final appellate review.

### **Article XII – Transcript Notations and Conduct Records**

The academic transcript of a Student suspended or expelled for disciplinary reasons (not academic or financial) shall be marked with “Disciplinary Suspension” or “Disciplinary Expulsion” as appropriate. A notation should state whether the Student is eligible to reenroll.

If the Student becomes eligible to reenroll in the institution or the institution determines that good cause exists to remove the notation, the notation can be removed upon the request of the Student.

The University will maintain a permanent written conduct record for every Student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. Records of academic integrity cases shall be maintained for at least five years, and behavioral conduct records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions in this section. A conduct record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. This conduct record shall be maintained by the Dean of Students Office. It shall be treated as confidential, and the record shall not be accessible to anyone other than the Dean of Students or University officials with legitimate educational interests, except upon written authorization of the Student or in accordance with applicable state or federal laws or court order or subpoena.

### **Related Statutes or Regulations, Rules, Policies, or Standards**

Tex. Educ. Code §§ 51.9315, .936, .9364

Regents' *Rules and Regulations*, Rule 50101, Student Conduct and Discipline

SFA HOP 01-403 Dishonest or Fraudulent Activities

SFA HOP 01-305 Nondiscrimination

SFA HOP 01-307 Title IX

SFA HOP 02-318 Reproduction of Copyrighted Works by Educators and Librarians

SFA HOP 06-103 Digital Millennium Copyright

SFA HOP 04-121 Student Organization Formation and Recognition

SFA HOP 04-111 Involuntary Withdrawal

SFA HOP 05-501 Annual Disclosure of Crime Statistics

SFA HOP 05-512 Illicit Drugs and Alcohol Abuse

SFA HOP 05-509 Firearms Explosives and Ammunition

SFA HOP 06-101 Acceptable Use of Information Technology Resources

Residence Life Community Guidelines

### **Responsible Executive**



Vice President of Student Affairs

Provost and Executive Vice President for Academic Affairs

**Forms**

None.

**Revision History**

September 1, 2023 (original)  
August 8, 2024

Educational Policy