

# Student Code of Conduct

**Original Implementation:** January 19, 1988

**Last Revision:** July 26, 2022

## General Policy

Choosing to join the Stephen F. Austin (SFA) State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, rights 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 the Student Code of Conduct.

## The SFA Way

The SFA 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.” The SFA Way encourages students to follow the principles of Respect, Caring, Responsibility, Unity, and Integrity.

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## Article I: Definitions

1. The term “Advisor” means an individual serving as a guide for a Charged Student, Student Organization, or a Victim during the Student Conduct Process.
2. The term “Appeal” means the review by the designated Appeal Officer of the full record of the Student Conduct Process and the Sanctions imposed to determine the adequacy of the procedures used, determination of responsibility, and the fairness of the sanctioning.
3. The term “Appeal Officer” means a person or persons authorized by the Vice President of Student Affairs to consider an Appeal of an Outcome of the Student Conduct Process.
4. The term “Charged Student” means a Student who has been alleged to have violated one or more provisions within the Student Code of Conduct.

5. The term “Conduct Officer” means person authorized by the Vice President of Student Affairs to administer the Student Code of Conduct.
6. The term “Dean of Students” means the individual further designated by the Vice President of Student Affairs with responsibility for administering the Student Code of Conduct. For the purposes of this policy, “Dean of Students” may refer to that individual’s designee.
7. The term “Dean of Students Office” means the department designated by the Vice President of Student Affairs for administering the Student Code of Conduct. The Office of Student Conduct and Outreach is included within the Dean of Students Office.
8. The term “Email” means the University’s recognized medium for means of communicating with Student or Student Organizations per SFA Policy 15.1, Email for University Communication.
9. The term “Faculty” or “Faculty Member” means a 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.
10. The term “Policy” means the written regulations of the University as found in, but not limited to, the University web page and online policy manuals.
11. The term “Reporting Party” means an individual who submits a report alleging a violation of this Student Code of Conduct. The Reporting Party and Victim may or may not be the same person.
12. The term “Student” includes all persons admitted to the University and are enrolled or are eligible to enroll at the University.
13. The term “Student Organization” means any number of Students who meet as a group, whether as a registered Student organization or as an unaffiliated Student organization, on campus or at a recognized University event. This may also include, but is not limited to, sports 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 unless the Student Organization designates in writing to the Dean of Students Office another Student member to represent the Student Organization during the Student Conduct Process.
14. The term “University” means Stephen F. Austin State University.
15. The term “University Premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
16. The term “University Official/Staff Member” includes a person employed by the University.
17. The term “Vice President of Student Affairs” is the person designated by the University President to be responsible for the administration of the Student Code of Conduct.
18. The term “Victim” is any individual who has alleged injury or harm by an SFA Student or Student Organization. Victims are entitled to varying levels of participation in the Student Conduct Process, depending on the nature of the allegations. As articulated in the Family Educational Rights and Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim who has been subject to Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, or Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of their rights and of the outcome of the disciplinary process. All other victim rights articulated in this regulation apply to all victims.

## **Article II: Jurisdiction**

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 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 or Student Organization's conduct even if a Student withdraws from the University while a disciplinary matter is pending. The Vice President of Student 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, at that individual's sole discretion. Student conduct that may be defined as sex-based misconduct may be reviewed under university policy 2.13 (Title IX).

## **Article III: Violations**

1. Harm to others, including but not limited to:
  - a. Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.
  - b. Endangering the physical health or safety of any person or actions that cause a reasonable apprehension of such harm.
  - c. 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. This provision shall not be used to discipline a Student or Student Organizations for speech protected by the First Amendment.
  - d. 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.
  - e. Acts of animal cruelty, including but not limited to:
    - i. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
    - ii. Failing to provide necessary food, water or care for an animal in the person's custody.
    - iii. Abandoning an animal in the person's custody.
    - iv. Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury.
  - f. Sexual Harassment, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking as defined by SFA Policy 2.13, Title IX, and Other Sexual Harassment and Other Unprofessional/Inappropriate Conduct as defined by SFA Policy 2.11, Nondiscrimination.
  - g. Sexual Exploitation including but not limited to:
    - i. Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party.

- ii. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent.
    - iii. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent.
    - iv. Sexual voyeurism.
    - v. Inducing another to expose one's genitals or private areas.
    - vi. Prostituting another Student.
    - vii. Engaging in sexual activity while knowingly infected with an STD.
  - h. Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.
- 2. Hazing of any kind including but not limited to:
  - a. 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.
  - b. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity.
  - c. Any type of activity which involves 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.
  - d. Any activity which involves 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 of the Student.
  - e. Any activity that induces, causes, or requires the Student to perform a duty or task which involves a violation of the Penal Code.
  - f. Any activity that involves coercing the Student to consume drugs or alcoholic beverage or liquor in any amount that would lead a reasonable person to believe the Student is intoxicated.
  - g. Soliciting, encouraging, aiding or directing another engaging in hazing.
  - h. Intentionally, recklessly or knowingly permitting hazing to occur.
  - i. 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 Dean of Students, SFA Police, SFA Fraternity and Sorority Life or the Office of Student Conduct and Outreach.
  - j. Any other violation of SFA Policy 10.3, Hazing.
- 3. Dishonesty of any kind, including but not limited to:
  - a. Providing false or misleading information to the University.
  - b. Providing false or misleading information to a University Official or Faculty.
  - c. Forgery, alteration, or misuse of any documents, records, identification, access cards, or keys.
  - d. Unauthorized possession, duplication or use of keys, access cards, or identification cards.

- e. Any action taken to deceive University Officials or Faculty regarding one's identity.
4. Harm to Property including but not limited to:
- a. Vandalism of or damaging University property or property of another others.
  - b. Theft of any kind, including seizing, possessing, selling, or concealing property with knowledge that it has been stolen.
  - c. Unauthorized entry into, presence in, or use of University facilities, equipment, or property.
  - d. 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.
  - e. Using or possessing any University key or access card without proper authorization. No Student or Student Organization is allowed to have a University key duplicated without prior permission from faculty or staff with authority to provide that permission.
  - f. Obstruction of the free flow traffic on University premises or at University-sponsored or supervised activities.
  - g. Posting of commercial advertising on University property without approval from University Officials.
5. Disorderly Conduct including but not limited to:
- a. Disruption or Interference of Students, faculty, administration, staff, the educational mission, or routine operations of the University.
  - b. Commercial solicitation on campus or with University resources without prior approval from University officials.
  - c. Failure to comply with a reasonable and lawful request or directive of University Officials.
  - d. Facilitation of Student misconduct including but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates the Student Code of Conduct.
  - e. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and University policy.
  - f. 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, and other mobile devices.
  - g. Failure to present proper identification upon request by University Officials or Faculty, including law enforcement officers.
6. Misuse of Computing Resources including but not limited to:
- a. Failure to comply with University policies, license agreements, or contracts.
  - b. Unauthorized alteration or destruction of computer equipment, software, network, data or system performance.
  - c. Unauthorized copying or distribution of University data.
  - d. Use of University resources for unauthorized commercial purposes or personal gain.
  - e. Harmful access, or invasion of privacy.
  - f. Use of computing facilities and resources to interfere with the work of another Student, faculty member, staff member or University Official.

7. Obstruction of the Student Conduct process which includes but is not limited to:
  - a. Colluding with or intimidating witnesses.
  - b. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
  - c. Deliberately disrupting or interfering with the Student Conduct process.
  - d. Tampering with information to be used in a Student Conduct process.
  - e. Attempting to influence the impartiality of a Student Conduct Hearing Board member.
  - f. Violating and/or failing to comply with Sanctions assigned through the Student Conduct process.
  - g. Retaliation against any individual for filing a complaint or report of alleged violations of the Student Code of Conduct or otherwise participating in the student conduct process.
8. Prohibited possession or use of alcohol which includes but is not limited to:
  - a. Possession or consumption of alcohol while under the age of 21.
  - b. Purchasing, providing, or distributing alcohol to any individual who is under the age of 21.
  - c. Possession and/or use of a common source (keg, beer bong, etc.) on University property or at a University sanctioned or sponsored event.
  - d. Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.
  - e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol as defined by state law.
  - f. Participation in or hosting of drinking games which involve the consumption of alcoholic beverages on University property or at a University sanctioned or sponsored event.
9. Prohibited possession or use of drugs which includes but is not limited to:
  - a. Possession or use of any controlled substance, controlled substance analogues, and/or drug paraphernalia prohibited by SFA Policies or of any federal, state, or local law or ordinance.
  - b. Abusing legally obtained drugs by failing to take the drug as directed.
  - c. Misuse of non-controlled substances not intended for human consumption (i.e. spice, bath salts, rubbing alcohol) or not in compliance with manufacturer specifications.
  - d. Sale or distribution of narcotics, prescription drugs, controlled substances, controlled substance analogues, or drug paraphernalia
10. Conduct which could constitute a violation SFA Policy or of any federal, state, or local law or ordinance including, but not limited to:
  - a. The use or sale of all tobacco and vape products as defined and prohibited by SFA Policy 13.21, Smoking Vaping and Use of Tobacco Products.
  - b. Violations of SFA Policy 13.9, Firearms, Explosives, and Ammunition policy.
  - c. Violations of Residence Life Community Guidelines.

#### **Article IV: The Student Conduct Process**

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 conduct proceedings, outlined in the Student Code of Conduct. 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 sex-based misconduct, including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to SFA Policy 2.13 (Title IX).

The burden of proof in the Student Conduct process is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more likely than not.

### **1. Determination of Charges**

- a.** Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to, University Police or other University departments, faculty, staff, Students, or third parties. Reports may be sent anonymously; however, this may significantly limit the University's ability to investigate, collect evidence, or take effective action.
- b.** The Dean of Students Office will review available information to determine if a Student or Student Organization will be charged with a violation of the Student Code of Conduct. The Dean of Students may gather additional information if deemed necessary to assist in their determination.
- c.** The Dean of Students may choose to withdraw charges if, at any point in the Student Conduct Process, they are no longer deemed warranted.

### **2. Educational Conference**

- a.** Once a Student or Student Organization has been charged with an alleged violation of the Student Code of Conduct, the first step in the process is an Educational Conference. The Educational Conference is not a hearing. The purpose of the Educational Conference is for a Conduct Officer to review with the Charged Student or Student Organization, and any Victim, the allegations and charges, their rights, the Student conduct process, possible sanctions, and to answer questions. During the Educational Conference the Charged Student or Student Organization will be given the opportunity to accept responsibility for the charges and any assigned sanctions, if applicable.
  - i.** If the Charged Student or Student Organization accepts responsibility for the charge(s) and any assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that individual's acceptance and their waiving of their right to a hearing and appeal. The Charged Student or Student Organization and any victim will then receive an email documenting their acceptance of responsibility and assigned sanctions within five (5) business days from the Dean of Students Office.
  - ii.** If the Charged Student or Student Organization does not accept responsibility for the charge(s) or does not agree with the assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that decision and the case will be referred to a Student Conduct Hearing

- iii. If the Charged Student or Student Organization fails to attend an Educational Conference or complete the Educational Conference Form, the case will be referred to a Student Conduct Hearing

### 3. Student Conduct Hearing

Charged Students or Student Organizations who choose to not accept the outcome of the Educational Conference or do not participate in the Educational Conference, will be referred to a Student Conduct Hearing.

- a. **Hearing Notification:** The Dean of Students Office shall provide notice of the hearing to the Charged Student or Student Organization's SFA email. The notice will set forth the date, time, and place of the hearing; the charges assigned; and the rights of the Student or Student Organization. The Charged Student or Student Organization will be informed that an Advisor may be present during the hearing. The Student or Student Organization must notify the Dean of Students Office if an attorney will serve as an Advisor to allow a representative from the University's General Counsel's Office to attend. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. Failure to do so may result in the hearing being rescheduled. Any request to reschedule shall be made in writing to the Dean of Students Office, who has the authority to reschedule the hearing for good cause. Failure to attend the Student Conduct Hearing will lead to the case being heard in the Charged Student or Student Organization's absence. A Charged Student or Student Organization's lack of attendance shall not be used against the Charged Student or Student Organization in any determination of responsibility and/or sanctions.
- b. **Victim Hearing Notification:** In cases with a Victim, The Dean of Students Office shall provide notice of the hearing through email. The notice will set forth the date, time, and place of the hearing and the charges assigned. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. This notification will also advise the victim of his or her rights in the Student conduct process, including but not limited to, the right to submit a list of questions, the right to submit a victim impact statement, the right to request a copy of his or her record, the right to an Advisor, and the right to provide information in a separate room from the Charged Student or Student Organization.
- c. **Student Conduct Hearing Board:** The Dean of Students Office will choose at least 3 individuals, with at least 1 Faculty/Staff and 1 Student, who are available to serve on the Student Conduct Hearing Board. These Student Conduct Hearing Board members are comprised of those appointed to serve on the Student Conduct Hearing Board. Student Conduct Hearing Board Members are appointed to the Student Conduct Hearing Board by the Vice President of Student Affairs. All appointments are for one (1) academic year. Faculty, Staff, and Students may serve an unlimited number of terms.
- d. **Pre-Hearing Information:** The Dean of Students Office will make available pre-hearing information including copies of records that will be presented by the University at the hearing, and a list of potential University witnesses, and a summary of the information the witness(es) may provide. The pre-hearing information will be available at least three business days in advance of the hearing. The Charged Student or Student Organization must provide the Dean of Students Office with a list of potential witnesses and copies of any records that they will present at the hearing at



least two (2) business day in advance of the hearing. Evidence and/or witnesses that are not provided at least two (2) business day before the hearing will only be included in the hearing at the discretion of the Student Conduct Hearing Board Chair.

- e. **Advisors:** An Advisor may accompany a Charged Student or Student Organization or a Victim in a Student Conduct Hearing. An Advisor may not directly participate in the Student Conduct Hearing in any capacity other than providing advice and support to the Charged Student or Student Organization or Victim they are accompanying. A Charged Student or Student Organization and a Victim may select anyone to serve as their Advisor as long as this individual is not a witness to or involved in the case. A Charged Student or Organization and a Victim may only have one Advisor present during a Student Conduct Hearing. If the chosen Advisor is an attorney, the Charged Student or Student Organization or Victim must inform the Dean of Students Office at least two (2) business days in advance of the Student Conduct Hearing to allow for a representative of the University General Counsel's Office to attend. Failure to do so may result in the hearing being rescheduled. For the purposes of this policy, an Advisor who is involved in any other part of the Student Conduct Process shall be held to these standards.
- f. **Role of Hearing Board Chair:** A Faculty or Staff Student Conduct Hearing Board member, in attendance at the Student Conduct Hearing, will serve as the Hearing Board Chair. The Hearing Board Chair manages the Student Conduct Hearing Board and is responsible for the decorum of the hearing, and to ensure that all procedures are properly followed. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, obstructs, 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, in which by majority vote shall be final. In case of a tie and a majority is unable to be reached, the vote of the Hearing Board Chair is the deciding vote. The chair may also seek guidance from the Dean of Students Office as needed.
- g. **Order of Proceedings During the Student Conduct Hearing:** The Hearing Board Chair will facilitate the Student Conduct Hearing, determine the presence or absence of the Charged Student or Student Organization and/or Victim, verify the alleged misconduct, determine the presence of an Advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either audio or video format.

The Charged Student or Student Organization will be given the opportunity to provide an opening statement. This is the opportunity for the Charged Student or Student Organization to state their case and present their evidence. After the Charged Student or Student Organization provides their opening statement, the Student Conduct Hearing Board and any Victim will be given the opportunity to question the Charged Student or Student Organization.

The Dean of Students' and the Charged Student or Student Organization's witnesses, if any, will then be called to provide a statement, present any evidence they may possess, and answer questions posed by the Student Conduct Hearing Board and the

Charged Student or Student Organization, and any Victims if applicable. The Dean of Students Office is unable to compel individuals to serve as a Witness. The Charged Student or Student Organization will be responsible for notifying their Witness(es) of the time, date, and location of the Student Conduct Hearing. Witnesses may participate in person, by telephone, or virtually if needed. Only one Witness will be allowed to participate in the Student Conduct Hearing at a time. The Hearing Board Chair may limit the number or disallow completely, character witnesses that have no direct knowledge of the alleged misconduct.

All questions asked by the Charged Student or Student Organizations, Victim, and any Witnesses must be directed to the Chair to determine if they are relevant and appropriate for the case.

After all Witnesses and evidence has been presented, the Charged Student or Student Organization may make a closing statement.

The Student Conduct Hearing Board will then convene in closed session to determine if the Charged Student or Student Organization is responsible or not responsible for the alleged violations of the Student Code of Conduct. If a finding of responsible is made for any of the alleged violations, The Student Conduct Hearing board will determine recommended sanctions. Determination and recommendation of Sanctions are outlined in the Sanctions section of this document (Article V).

The outcome of the Student Conduct Hearing will be sent to the Charged Student or Student Organization, and any victim, through email within five (5) business days following the close of the hearing. This time may be extended for deliberations when necessary and the Charged Student or Student Organization shall be notified of any such extensions. The outcome letter shall contain a decision on each charge, any findings of fact and any applicable sanctions. The Charged Student or Student Organization may appeal a finding of responsible within five (5) business days as outlined in the appeal section of these procedures.

Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know. In cases involving multiple Charged Students or Student Organizations from the same incident, information obtained at one hearing may be used at another hearing.

## **Article V: Sanctions**

Charged Student or Student Organizations who accept responsibility or are found responsible for violations of the Student Code of Conduct, will be assigned sanctions based on the violation, any aggravating or mitigating circumstances, and prior violations of the Student Code of Conduct. The Conduct Officer/Student Conduct Hearing Board will recommend sanctions to the Dean of Students or designee, who will make a final determination of sanctions. Recommended sanctions may be adopted, modified, or rejected. When recommended sanctions are not adopted by the Dean of Students or designee, the Dean of Students or designee shall provide the Charged Student or Student

Organization with the reasons for not adopting the recommendations in writing. One or more of the following sanctions may be assigned for violations of the Student Code of Conduct:

1. **Disciplinary Reprimand:** a written disciplinary sanction notifying a Student or Student Organization that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.
2. **Disciplinary Probation:** a written disciplinary sanction notifying a Student or Student Organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more severe sanctions. In addition, restrictions may be placed on a Student or Student Organization's activities.
3. **Educational Requirements:** a Student or Student Organization is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, written assignment, alcohol or drug assessment, and/or presentation. Fines may be associated with Educational Requirements due to the cost of the assigned assessment/program.
4. **Special Action:** A sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to restitution, community service, counseling suggestions, and restrictions or removal from academic courses, University housing, or extracurricular activities.
5. **Suspension:**
  - a. A Student who is suspended is required to leave the University for a specified period of time. The Student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police. While serving a suspension a Student is not in good standing.
  - b. A Student Organization that is suspended is required to cease all activity during the specified time period. During this time, they are not recognized by the University as outlined in SFA Policy 10.9, Student Organization Formation and Recognition. 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.
  - c. In certain situations, the Suspension may be placed in a deferred status.
6. **Expulsion:** A Student who is expelled is permanently barred from attending the University and is ineligible for readmission to the University. The Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police.

## Article VI: Appeals

Charged Students or Student Organizations who are found responsible by a Student Conduct Hearing Board have the right to appeal based on certain criteria. Appeals must meet one or more of the following grounds:

1. The information contained within the case does not support the finding of responsible.
2. The assigned sanctions are not appropriate for the violation(s).

3. The Student or Student Organization's rights, as outlined by this policy, were violated.

The Charged Student or Student Organization must submit an appeal to the Vice President of Student Affairs within five (5) business days of the outcome letter being sent from the Dean of Students. This appeal must describe why they feel their case meets one of the appeal criteria listed.

The Vice President of Student Affairs or Designee may uphold the decision and/or sanctions, modify the decision and/or sanctions, or remand the case for a new hearing. Unless the appeal decision is to remand the case, the appeal decision is considered the final decision of the University. The Charged Student or Student Organization will receive the outcome of the appeal through email.

### **Article VII: Interim Measures**

The Dean of Students may assign Interim Measures to a Student or Student Organization if it is determined that the continued presence or actions of a Student or Student Organization poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal University functions. The Interim Measure will take effect immediately without prior notice to the Student or Student Organization. Interim Measures may include, but are not limited to, interim suspension, restrictions, removal from on-campus housing, or no contact directives. Interim Measures may be lifted by the Dean of Students when deemed appropriate.

In cases of interim suspension, restrictions, or removal from on-campus housing, unless waived in writing by the Student or Student Organization, the Student or Student Organization will have a post-removal hearing with the Dean of Students or designee regarding the Interim Measure. The scope of this hearing is limited solely to the determination of whether that Student or Student Organization's presence or continuation of activities adversely affects the health, safety or welfare of the University community. The Student or Student Organization will be provided with an explanation of the evidence on which the University based its decision concerning the Interim Measure and an opportunity to respond.

### **Article VIII: Records**

All hearings, and records pertaining to hearings, will be considered education records and treated as designated by law. Student or Student Organization conduct records are kept for seven years after the final outcome of the Student Conduct Process. Records for cases where a Student or Student Organization has been expelled or suspended are held permanently.

Disciplinary actions which result in suspension or expulsion from the University and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension or expulsion) along with the effective dates of the sanction.

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. A Student or Student Organization 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 law. All hearings are closed to the

public.

### **Article IX: 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 Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to SFA Disability Services at least three business days in advance of the hearing. If necessary the Hearing Board Chair, or the Dean of Students or designee, may postpone the hearing to provide reasonable accommodations.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President of Student Affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the Vice President of Student Affairs or designee.

**Cross Reference:** Tex. Educ. Code §§ 51.9315, .936, .9364; Fraud (2.7); Nondiscrimination (2.11); Title IX (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); Student Involuntary Withdrawal (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 Technology Resources (14.2); Residence Life Community Guidelines

**Responsible for Implementation:** Vice President of Student Affairs

**Contact for Revision:** Assistant Vice President of Student Affairs and Dean of Students

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs