

Student Code of Conduct

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

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

This document is organized into the following sections:

Article I: Definitions

Article II: Proscribed Conduct

Article III: Procedures

Article IV: Non-Discrimination, Interpretation and Revision

ARTICLE I: DEFINITIONS

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

9. The term “responding party” means a student against whom an allegation of prohibited behavior is directed.
10. The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean a student’s official SFA email address.
11. The term “student conduct hearing” means a meeting between the student conduct authority and a respondent to determine, through a sharing of information, whether a student has violated the Student Code of Conduct.
12. The term “administrative hearing” means a hearing with a student conduct authority to determine whether a student has violated the Student Code of Conduct.
13. The term “advisor” means an individual accompanying a respondent or a complainant in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice and support to the student they are accompanying. A student may select anyone to serve as their advisor but may only have one advisor present during the course of a hearing (informal or formal). If the chosen advisor is an attorney, the student must inform the student conduct administrator in advance to allow for the university's attorney to also be present.
14. The term “outcome” means the end result after a hearing (informal or formal).
15. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or hearing board to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or complainant.
16. The term “appellate authority” means a person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s outcome as to whether a student has violated the Student Code of Conduct.
17. The term “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.
18. The term “university official” includes a person employed by the university while in the act of performing assigned responsibilities.
19. The term “member of the university community” includes any person who is a student, faculty member, or other person employed by the university. A person’s status in a particular situation shall be determined by the student conduct administrator.
20. 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).
21. The term “organization” means any number of students who meet as a group, whether as a registered student organization or as an unaffiliated student organization, on campus or at a recognized university event.
22. 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.
23. The term “shall” is used in the imperative sense.
24. The term “may” is used in the permissive sense.

ARTICLE II: PROSCRIBED CONDUCT

A. Jurisdiction of the Student Code of Conduct

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

B. Conduct—Rules and Regulations

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

1. **Dishonesty** - Acts of dishonesty, including but not limited to, the following:
 - a. Cheating or plagiarism as defined in university policy 4.1 (Student Academic Dishonesty), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor-provided materials without permission.
 - b. Furnishing false information to any university official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
 - d. Fraud as defined in university policy 2.7 (Fraud).
2. **Alcohol** - Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies 13.7, Alcohol Service, and 13.11, Illicit Drugs and Alcohol Abuse), is prohibited on university premises and university-sponsored events. Students are expected to comply with all state and local laws, as well as all Residence Life regulations regarding the presence of alcohol in the residence halls (see also, Residence Life Community Guidelines) including, but not limited to:
 - a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
 - b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
 - c. Being found in a state of public intoxication or drunkenness is prohibited.
 - d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited.
 - e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited.
 - f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited.
3. **Illegal Drugs** - The act of using, possessing, being under the influence of, manufacturing,

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

4. **Harassment** - Any conduct (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 students for speech protected by the First Amendment.
5. **Harm to Person** - Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury is prohibited.
6. **Disruptive Behavior** - Interference or disruption of students, faculty, administration, staff, the educational mission, or routine operations of the university is prohibited. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program. To remain in the vicinity of activity that is disrupting normal university functions when requested to leave by a university official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well. Engaging in physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.
7. **Animal Cruelty** - Prohibited conduct includes:
 - a. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
 - b. Failing to provide necessary food, water or care for an animal in the person's custody.
 - c. Abandoning an animal in the person's custody.
 - d. Transporting or confining an animal in a manner that may cause seriously bodily injury to any animal without the owner's consent.
 - e. Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury is prohibited.
8. **Damage to Property** - Intentionally, knowingly, or recklessly causing damage to property or actions that may cause such damage is prohibited. Examples include removal of window restrictors or security screens; dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs; and/or unauthorized application of graffiti to property.
9. **Damage to Fire Safety Equipment** - Any tampering, removal, and/or damage to fire and safety equipment on university property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. (See also, Texas Penal Code Section 42.06)
10. **Complicity** – being present during the planning or commission of any violation of the

Student Code of Conduct in such a way as to condone, support, or encourage that misconduct is prohibited.

11. **Guest Responsibility** - Students are accountable for violations their guests may commit while visiting them or the university community.
12. **Abuse of the Student Conduct Process** - Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to:
 - a. Failing to participate in a hearing or investigation.
 - b. Colluding with or intimidating witnesses.
 - c. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
13. **Failure to Comply** - Students and student organizations are expected to comply with reasonable and lawful requests of university officials in the performance of their duties. University officials include, but are not limited to, faculty, staff, and university police officers. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness upon reasonable notice. A failure to comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may constitute failure to comply.
14. **Misuse of Computing Resources** - Failure to comply with university regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access, or invasion of privacy are prohibited. Misuse and/or other abuse of computer facilities and resources are also prohibited (See also, policy 9.3, Digital Millennium Copyright and policy 9.2, Reproduction of Copyrighted Works by Educators and Librarians).
15. **Misuse of Keys/Access Cards** - No person may use or possess any university key or access card without proper authorization. No student is allowed to have a university key duplicated without prior permission from faculty or staff with authority to provide that permission.
16. **Retaliation** - Retaliation against any individual for filing a complaint or alleging misconduct.
17. **Theft** - Theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
18. **Gambling** - Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and university policy.
19. **Unauthorized Entry or Use** - Unauthorized entry into, presence in, or use of university facilities equipment or property is prohibited.
20. **Traffic Obstruction** - Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised activities.
21. **Reckless Operation** - Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devices.
22. **Weapons** - No illegal weapons are allowed on the premise or at university-sponsored

events. (see also, policy 13.9 Firearms, Explosives and Ammunition)

23. **Sex-Based Misconduct** - Due to the intersectionality of misconduct between potential violations of policy 10.4, Student Code of Conduct and the Sex- and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy 2.13, all incidents that allege sex-based discrimination must first undergo assessment, and potential investigation, by the university's Title IX office. If the potential violation is determined not to rise to the level of a policy 2.13 violation, or when deemed appropriate, information may be sent to investigation or sanctioning under policy 10.4, Student Code of Conduct. Misconduct under policy 2.13 includes, but is not limited to: program inequity, domestic/dating violence, sexual assault, stalking, and sexual harassment.
24. **Violation of University Policies** - Violation of any official university policy, rule, or regulation is prohibited. Such rules include, but are not limited to, Residence Life Community Guidelines, Athletics Student Athlete Handbook, Campus Recreation Center Policies and Procedures, Greek Life policies and procedures, and university Parking Services Regulations.
25. **Off-Campus** - The university reserves the right to investigate and adjudicate violations that may occur off university premises. The university may take action in situations occurring off university premises involving:
 - a. Student misconduct demonstrating flagrant disregard for any person or persons.
 - b. When a student or student organization behavior is judged to threaten the health, safety, and/or property of any individual or group.
 - c. Any other activity which adversely affects the university community and/or the pursuit of its objectives. This action may be taken for either affiliated or non-affiliated activities.
26. **Violation of Law** - Violation(s) of any federal, state, or local law including, but not limited to:
 - a. Arson
 - b. Robbery
 - c. Burglary, and
 - d. Trespassing

C. Violation of Law and University Discipline

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

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

ARTICLE III: PROCEDURES

A. Introduction

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

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

B. Overview of the Process

When a complaint is received, the respondent will be contacted through a university-recognized medium. The student will be provided with a notice to appear for an administrative hearing (informal or formal) with the student conduct authority. Once a decision has been rendered, if the student desires, they may appeal the decision rendered to the dean of student affairs or designee. The decision of the dean of student affairs or designee shall be final.

C. Filing the Complaint

Any member of the university community may file a complaint against a student alleging a violation of the Student Code of Conduct. Complaints may be submitted to the Office of Student Rights and Responsibilities. Anonymous complaints may be made, however, electing to remain anonymous may significantly limit the university's ability to investigate, collect evidence, or take effective action.

D. Filing a False or Frivolous Complaint

Knowingly filing a false or frivolous complaint to intentionally mislead a university official is expressly forbidden. A frivolous complaint is one that is made in retribution for another student filing a complaint and can be demonstrated as lacking merit. Violators may face charges up to suspension or expulsion. The university is the sole party who may file charges of a false or frivolous complaint.

E. Notice of Allegations

Upon receiving a report of an alleged violation of the Student Code of Conduct, the student conduct administrator will review the report and, if needed, conduct an initial investigation. If there is sufficient evidence to indicate that a violation may have occurred, a notice of allegations will be sent to the respondent, including the alleged incident date and instructions to appear in person at a designated location within five (5) business days to begin the student conduct process. The official means of contacting the student will be through university email. Failure to respond may lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed. Appeals to student conduct findings or sanctions heard in absentia must be filed within five (5)

business days of the student conduct authority or hearing board's outcome.

When an incident has or can be reasonably determined to disrupt the university environment, or occurs at the beginning or end of a semester, the student may be contacted to begin the process immediately. In addition to notices by email, attempts may be made to contact the student by phone or in-person contact by a university employee. This expedited contact is intended to preserve the university living/learning environment and can offer a student found responsible of an infraction options that may be time-limited or time-based, such as withdrawing prior to financial penalties or beginning a suspension period in a timely manner. Failure by a student to have current contact information on file will not invalidate the notices.

F. Immediate Response

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

G. Investigation

The student conduct administrator or designee, will begin an investigation of the case as an impartial party, not as a representative of the complainant. The investigator may interview the reporting party and any other persons who may have pertinent factual information about the case. The investigator will meet with the respondent and provide the student access to the written complaint. The respondent may choose to respond verbally or in writing within a specified time. If the respondent accepts responsibility for the allegations, the case shall be resolved through an administrative hearing or other remediation as deemed appropriate.

H. Burden of Proof

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

I. Administrative Hearing (Informal)

Administrative hearings are conducted with a single-member student conduct authority who will review the initial report, meet with the respondent, render a decision, and determine sanctions as deemed appropriate. The ability to present witnesses may be limited in this format. If the student conduct authority is unable to render a decision, or if the details of the case make a formal hearing more suitable, the case may be referred to the hearing board. Otherwise, a student must request an appeal to the dean of student affairs or designee within five (5) business days or the outcome becomes final.

J. Hearing Board (Formal)

A multi-member board composed of three university members (two faculty/staff and one student) who will serve as the student conduct authority upon request to adjudicate alleged violations. The

faculty/staff members will be selected from a pool of appointees from the vice president for university affairs or designee. The student will be a representative of the general student population with input from the student government association president. The respondent will be advised of the board members and have one business day to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest.

K. Notice of Hearing

The student conduct administrator will provide notice of the hearing transmitted through a university-recognized medium. The notice will set forth the date, time, and place of the hearing. The respondent will be informed that an advisor may be present during the hearing. The student must notify the student conduct administrator if an attorney will serve as an advisor to allow the university's attorney to also be present. Failure by the respondent to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) business days prior to the hearing, unless a shorter or longer time is granted for good cause. Any request for continuance shall be made in writing to the student conduct administrator, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

Failure to appear will lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed.

L. Role of Chair During Formal Hearing

The chair manages the hearing board and ensures it is conducted in a manner consistent with truth and justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, 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. The chair may also seek guidance from general counsel prior to or during the hearing on procedural issues.

M. Role of Student Conduct Administrator During Formal Hearing

In serving both the hearing board and the respondent, the role of the student conduct administrator is impartial and supportive in nature and there is no involvement in the final deliberations of the board. The student conduct administrator shall provide a summary of the case and may also be called to testify about outcomes of previous cases.

N. Order of Proceedings During Formal Hearing

The hearing board chair will preside at the hearing, determine the presence or absence of the respondent, 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 voice or video format. The student conduct administrator will begin the process by presenting a general overview of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. However, the student conduct administrator is not a part of the hearing board and serves to provide the board and the respondent with assistance in obtaining the

information necessary until the hearing has been concluded.

The respondent may choose to make opening remarks after the student conduct administrator gives the overview or wait until the conduct in question is presented. The respondent's advisor may advise the respondent, but may not participate in the hearing, for example by questioning witnesses or addressing the board. The hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may, but is not required to, testify. Any person testifying, including the respondent, shall be subject to cross-examination.

The respondent will be afforded an opportunity to obtain necessary witnesses and/or provide additional evidence. The student conduct administrator cannot compel other students to appear at a hearing but may assist students being called as witnesses with class absence notifications when necessary. The student conduct administrator will make available any necessary documents and evidence within the university's control, to the extent allowed by law. Depending on the nature of the evidence, it may be made available to the respondent but not released.

The hearing is meant to be an exchange of information and a presentation of facts by witnesses having direct knowledge of the alleged infraction. The hearing board chair may limit the number or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with who the board request. Following, the respondent may call witnesses or present additional evidence relevant to the conduct in question.

After all witnesses and evidence has been presented, the respondent may make a closing statement. The chair may then call on the student conduct administrator for a range of sanctions for the alleged infraction. At this time, the student conduct administrator, respondent, and advisor is excused and the recording stopped for deliberations. The hearing board analyzes all information provided, determines the facts of the case, and renders a finding and/or appropriate sanction, if necessary. The outcome shall be delivered to the student conduct administrator within 3 business days where an outcome letter will be prepared. The respondent may appeal the decision 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.

O. Appeal Procedures

Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for university affairs or designee. There shall be two grounds for appeal, the finding of responsibility or the sanction received.

Appeal of the Findings of Responsibility

The respondent may appeal the finding of responsibility to the dean of student affairs or designee. The student must submit a signed and dated written appeal to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.

Appeal of the Sanction

The respondent may accept the finding of responsibility but appeal the sanction to the vice president for university affairs or designee. The signed and dated written appeal must be submitted to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.

P. Confidentiality and Records

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

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

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

Q. Rights of Students in Disciplinary Proceedings

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

- a. to be present at the hearing;
- b. to meet with the student conduct administrator to discuss the disciplinary process;
- c. to submit a written account of the alleged incident;
- d. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling (a continuance) for good cause;
- e. to be present at the hearing and to be accompanied by an advisor of the student's choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing;
- f. to testify at the hearing;
- g. to decline to testify, with knowledge that all relevant evidence will be considered and

- the alleged violation adjudicated;
- h. to hear or examine evidence presented against the respondent;
 - i. to have and cross-examine witnesses, as specified in this policy;
 - j. to make any statement in mitigation or explanation of the conduct in question;
 - k. to be informed in writing of the finding and any sanction imposed to the extent allowed by law;
 - l. to appeal the finding and/or sanction to the proper authority;
 - m. to waive rights to a hearing as outlined in these procedures.

R. Sanctions

Admonition: is a written warning.

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

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

Special Action: is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to, the requirement of a special program (the cost of this program will be paid by the student), restitution, community service, counseling referrals, and restrictions or removal from academic courses, university housing, or extracurricular activities.

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

- a. Student must remain off the campus during the period of suspension, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- b. Student may not live or board in university facilities.

Suspension of a Student Organization: is a bar from university recognition for a specified period of time as outlined in university policy 10.9 (Student Organization Formation and Recognition).

Student organizations are required to cease all activity during the specified period. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

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

- a. Student must remain off campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- b. Student may not live or board in university facilities.

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

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

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

- A. the reliability of the information concerning the student's conduct, including the matter of his/her identity;
- B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions.

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

S. Status during Appeal

In cases of suspension or expulsion when an appeal is filed, a student may request the Office of the Dean of Student Affairs in writing for permission to continue to reside on campus and/or attend classes pending the ruling of the appeal. The student conduct authority may permit this request, given that such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION

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

Any question of interpretation or application of the Student Code of Conduct shall be referred to

the vice president for university affairs or designee for final determination.

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

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

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs