

PART IX
Code of Student Conduct
Texas Tech University

The Code of Student Conduct at Texas Tech University is administered through Student Judicial Programs and is based on promoting education and a tradition of excellence regarding student behavior. The goal of the Code of Student Conduct is that acceptable standards of behavior are communicated to, understood and upheld by the students of Texas Tech University.

Student Judicial Programs encourages and facilitates a university environment where students and student organizations take responsibility for their actions. Through a well-defined student judicial process and the Code of Student Conduct, Student Judicial Programs educates students about their rights and responsibilities as members of the Texas Tech University community. In addition, Student Judicial Programs promotes the importance of intellectual development, self-worth, mutual respect, and how we, as members of the university community, interact with each other on a daily basis. Questions of interpretation regarding the Code of Student Conduct are referred to Student Judicial Programs. The Code of Student Conduct is reviewed every year by the Code of Student Conduct Review Committee in conjunction with Student Judicial Programs and the Vice President for Student Affairs. Definitions for terms used throughout the Code of Student Conduct are outlined in Part I of the Student Handbook.

A. General Policy

Freedom of discussion, inquiry and expression is fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood. Accordingly, the university community has developed standards of behavior pertaining to students and to student organizations. Students and student organizations are subject to disciplinary action according to the provisions of the Code of Student Conduct and/or the Student Handbook. Student and student organization conduct on or off university premises is subject to university judicial jurisdiction. The university may enforce its own judicial policies and procedures when a student's or a student organization's (referred to hereafter only as student) conduct directly, seriously or adversely impairs, interferes with or disrupts the overall mission, programs or other functions of the university. University judicial proceedings may be instituted against a student alleged to have violated the Code of Student Conduct and/or the Student Handbook. Proceedings under the Code of Student Conduct may be carried out prior to, concurrent with or following civil or criminal proceedings. The proceedings are conducted in a manner which ensures that substantial justice is done and is not restricted by the rules of evidence governing criminal and civil proceedings. The Office of the Vice President for Student Affairs, in conjunction with Student Judicial Programs and the Department of Housing and Residence Life, respects the rights and

responsibilities of students and shall consider each violation of the university's substance abuse policy and each violation of federal, state and/or local law on a "case-by-case" situation and shall further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students. Violations of the substance abuse policy shall result in appropriate judicial action through Student Judicial Programs and/or Department of Housing and Residence Life, which may include required attendance and active participation in substance abuse education and/or intervention programs and may result in notification to the parents/guardians of dependent students under the age of 21.

NOTE: See Parent Notification Policy at <http://www.depts.ttu.edu/studentjudicialprograms>.

B. Misconduct

Any individual or student organization found to have committed the following misconduct while classified as a student or as a registered student organization is subject to disciplinary sanction(s), condition(s) and/or restriction(s). For definitions, please refer to the Student Handbook, Part IX, Section D, Disciplinary Sanctions, Conditions and/or Restrictions. Misconduct or prohibited behavior includes, but is not limited to:

1. Alcoholic Beverages

- a. Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages, except as expressly permitted by university policy.
- b. Being under the influence of alcohol and/or intoxication as defined by federal, state, and/or local law.

2. Narcotics or Drugs

- a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance, except as expressly permitted by federal, state, and/or local law.
- b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and/or local law.
- c. Being under the influence of narcotics, drugs, medicine prescribed to someone else, chemical compound or other controlled substance, except as permitted by federal, state, and/or local law.

3. Academic Dishonesty

"Academic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructor) or the attempt to commit such an act.

- a. "Cheating" includes, but is not limited to,
 1. Copying from another student's test paper or devices.
 2. Using materials during a test not authorized by the

- instructor administering the test.
3. Failing to comply with instructions given by the person administering the test.
 4. Possession during a test of materials which are not authorized by the person administering the test, such as class notes or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test.
 5. Using, buying, stealing, transporting, selling or soliciting in whole or part the contents of an unadministered test, test key, homework solution or computer program.
 6. Collaborating with, seeking aid or receiving assistance from another student or individual during a test or in conjunction with other assignments without authority.
 7. Discussing the contents of an examination with another student who will take the examination.
 8. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student.
 9. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test or complete any course-related assignment.
 10. Paying or offering to pay money or other valuables or coercing another person to obtain an unadministered test, test key, homework solution or computer program, or information about an unadministered test, test key, homework solution or computer program.
 11. Falsifying research data, laboratory reports and/or other academic work offered for credit.
 12. Taking, keeping, misplacing or damaging the property of the university, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
 13. Possession at any time of current or previous test materials without the instructor's permission.
- b. "Plagiarism" includes, but is not limited to, the appropriation of buying, receiving as a gift or obtaining by any means, material that is attributable in whole, or in part, to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting that material as one's own academic work being offered for credit.
 - c. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on academic dishonesty.

- d. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the university and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the university. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree and withdrawal of a diploma.
- e. "Misrepresenting facts" to the university or an agent of the university includes, but is not limited to, providing false grades or resumes, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment to obtain an academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

NOTE: See <http://www.depts.ttu.edu/studentjudicialprograms/>

4. *Firearms, Weapons and Explosives*

- a. Use or possession of any weapon(s), including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, bb guns, or explosives or noxious materials, on university premises except as expressly permitted by federal, state, and/or local law.

NOTE: See Residence Hall Policies and Procedures for specifics regarding approved devices.

5. *Flammable Materials/Arson*

- a. Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire.
- b. Attempting to ignite and/or the action of igniting university and/or personal property on fire either by intent or through reckless behavior which results, or foreseeably results, in damage of university premises.

6. *Theft, Damage or Unauthorized Use*

- a. Attempted or actual theft of property or services of the university, other university students, other members of the university community, or campus visitors.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property owned or leased by the university, by university students, members of the university community, or campus visitors.

- d. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account number and/or personal check.
 - e. Alteration, forgery or misrepresentation of any form of identification.
 - f. Possession or use of any form of false identification
7. *Actions Against Members of the University Community*
- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of self or others.
 - b. Intentional or reckless conduct which endangers the health or safety of self or others.
 - c. Behavior that disrupts the normal operation of the university, including its students, faculty and staff.
 - d. Sexual misconduct that involves:
 - 1. Deliberate touching of another's sexual parts without consent
 - 2. Deliberate sexual invasion of another without consent
 - 3. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of sexual injury
 - 4. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's (I) academic pursuits, (II) university employment; (III) participation in activities sponsored by the university or organizations or groups related to the university, or (IV) opportunities to benefit from other aspects of university life.
 - e. Excessive pressure, threats or any form of conduct, coercive tactics or unwanted mental coercion techniques used to retain or recruit a student for membership in an organization.
 - f. Actions involving free expression activities are covered in Part VII, Section F.
8. *Gambling, Wagering, Gaming or Bookmaking*
- a. Gambling, wagering, gaming or bookmaking as defined by federal, state, and local laws is prohibited on university premises or by using university equipment or services.
9. *Hazing*
- Hazing is any intentional, knowing or reckless act, directed against a student by one person acting alone or by more than one person occurring on or off the premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes but is not limited to:

- a. Any type of physical brutality, such as whipping, beating using a harmful substance on the body or similar activity.
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student.
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
- d. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation or that adversely affects the mental health or dignity of a student or that discourages a student from entering or remaining registered at this 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 above.
- e. Any activity in which a person engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred and knowingly fails to report the incident in writing to Student Judicial Programs.
- f. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936 at <http://www.capitol.state.tx.us/statutes/ed.toc.htm>.

10. *False Alarms or Terroristic Threats*

- a. Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, improperly possessing, tampering with or destroying fire equipment or emergency signs on university premises.

11. *Financial Irresponsibility*

- a. Failure to meet financial obligations owed to the university, or components owned or operated by the university, including, but not limited to, the writing of checks on accounts with insufficient funds.

12. *Unauthorized Entry, Possession or Use*

- a. Unauthorized entry into or use of university premises or equipment.

- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University Identification Card or access code for use in university premises or equipment.
 - c. Unauthorized use of the university name, logotype, registered marks or symbols of the university; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a student organization at Texas Tech University."
 - d. Unauthorized use of the university's name to advertise or promote events or activities in a manner which suggests sponsorship and/or recognition by the university.
13. *Traffic and Parking*
- a. Violation of university Traffic and Parking regulations.
 - b. Obstruction of the free flow of pedestrian traffic on university premises.

NOTE: See Traffic & Parking Policies at
<http://www.depts.ttu.edu/studentjudicialprograms/>

14. *Department of Housing and Residence Life Regulations*
- a. Violation of rules that govern behavior in the campus residence and/or dining halls as stated in the F.Y.R.E. Handbook and/or other notifications or publications provided by the Department of Housing and Residence Life.

NOTE: See Housing and Residence Life Policies at
<http://www.depts.ttu.edu/studentjudicialprograms/>

15. *Student Recreation and Aquatic Center Regulations*
- a. Violation of rules that govern behavior in the Student Recreation Center and Aquatic Center.

NOTE: See Student Recreation and Aquatic Center Regulations at
<http://www.depts.ttu.edu/studentjudicialprograms/>

16. *Failure to Comply*
- a. Failure to comply with the reasonable directions or requests of a university official acting in the performance of his/her duties.
 - b. Failure to present student identification on request to any university official or identify oneself to any university official acting in the performance of his/her duties.
17. *Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment*
- a. Unauthorized use of computing and/or networking resources including, but not limited to, private information and passwords.
 - b. Use of computing and/or networking resources for unauthorized or nonacademic purposes including, but not limited to, illegal access.

- c. Unauthorized accessing, copying or installing programs, records, copywrited data material or software belonging to the university or another user without permission.
- d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to university computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources.
- e. Attempted or actual use of the university's computing and/or networking resources for personal or financial gain.
- f. Attempted or actual transport of copies of university programs, records or data to another person or computer without written authorization.
- g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to the university or another user or destruction of the integrity of computer based information.
- h. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the university's computing and/or networking systems; or through such actions, causing a waste of such resources (i.e. people, capacity, computer).
- i. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted e-mails to parties with whom you have no existing business, professional or personal acquaintance).
- j. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

NOTE: See Information Technology Security Policies at <http://www.depts.ttu.edu/studentjudicialprograms/>

18. *Providing False Information or Misuse of Records*

- a. Knowingly furnishing false information to the university, or to a university official in the performance of his/her duties, either verbally or through forgery, alteration or misuse of any university document, record or instrument of identification.

19. *Skateboards, Rollerblades, Scooters, Bicycles or Similar Devices*

- a. Use of skateboards, rollerblades, scooters, bicycles or other similar devices in university buildings or on university premises in such a manner as to constitute a safety hazard or cause damage to university or personal property.

NOTE: Refer to Traffic and Parking Policies at <http://www.depts.ttu.edu/studentjudicialprograms/>

20. *Violation of Published University Policies, Rules or Regulations*

- a. Violation of any published university policies, rules or regulations that govern student or student organization behavior, including, but not

limited to, violations of University Operating Policies and Procedures and Texas Tech Regents Rules.

21. *Violation of Federal, State and/or Local Law*

- a. Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

22. *Abuse of the Discipline System*

- a. Failure by a student to respond to a notification to appear before the Judicial Officer during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Judicial Officer from proceeding with disciplinary action.
- b. Falsification, distortion or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.
- g. Harm, threat of harm or intimidation either verbally, physically or written, of a member of a disciplinary body prior to, during and/or after disciplinary proceeding.
- h. Influencing or attempting to influence another person to commit an abuse of the discipline system.
- i. Retaliation against any person or group who files grievances or provides evidence, testimony or allegations in accordance with the Student Handbook.
- j. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under the *Code of Student Conduct* by the Judicial Officer as defined in the *Code of Student Conduct*.

C. Disciplinary Procedures

To file an alleged *Code of Student Conduct* violation, including an incident report from the Department of Housing and Residence Life, the Texas Tech Police Department, any other law enforcement agency or members of the university community, against a student, individuals may meet with a university official and shall deliver a written allegation describing the action or behavior to Student Judicial Programs. The written allegation should be received by Student Judicial Programs within twenty university working days of the alleged incident to initiate disciplinary procedures. Filings that are submitted more than twenty university working days to Student Judicial Programs must be accompanied with a justification for the delay and will be accepted on a "case by case" basis.

1. *General Procedure*

The Judicial Officer will inquire, gather and review information about the reported student misconduct and will evaluate the accuracy, credibility and sufficiency of this information. If it is determined that this information is insufficient to warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question. The Judicial Officer will ensure that the requirements of due process are fulfilled in accordance with the following procedures:

- a. When a written allegation is filed, the student named in the allegation will be notified in writing to select either an administrative or a discipline committee hearing, and will be asked to appear before the Judicial Officer to discuss the alleged violation(s). The student shall contact the Judicial Officer within five days. Written notification will be delivered to the student's last known official, local address as provided by the student to the Registrar's Office or the Center for Campus Life regarding student organizations respectively. Failure of a student to receive First Class US Mail or Campus Mail does not prevent the disciplinary process from proceeding. If mailed, notification is to be mailed in First Class US Mail or Campus Mail.
- b. In any disciplinary proceeding, the student has the right to:
 1. Notification of the alleged misconduct.
 2. Know the source of the allegation(s).
 3. Know the specific alleged violation(s).
 4. Know the sanctions, conditions and/or restrictions that may be imposed because of the alleged misconduct.
 5. Be accompanied by an advisor at any disciplinary hearing (for advisory purposes only, not for representation)
 6. Refrain from making any statement relevant to the allegation(s).
 7. Know that any statements made by the student can be used during the proceeding.
- c. After the student has been advised of the allegation(s), the student shall choose between having the case resolved through either an administrative or a discipline committee hearing. However, the Judicial Officer has authority in all cases to designate a committee hearing of the case notwithstanding the student's request for an administrative hearing.
- d. After notice has been given to the student, the university may proceed to conduct either an administrative or a discipline committee hearing and deliver a decision or recommendation respectively. The administrative or discipline committee hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. In the absence of the student the Judicial Officer or the University Discipline Committee will consider the information and render an administrative decision or discipline committee recommendation. Notice is deemed to have been given when written notification is placed

in First Class US Mail, or campus mail no later than five university working days prior to the hearing or personally delivered at anytime prior to the hearing. The written notification is given when the notice is addressed to the student's last known official, local address as provided by the student to the Registrar's Office or student organization to the Center for Campus Life.

- e. The Judicial Officer may refer the alleged violation to alternative dispute resolution through non-binding mediation in place of the administrative or discipline committee hearing. If alternative dispute resolution is not successful, then the allegation is again referred to either the administrative or discipline committee hearing process.
- f. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative flag may be placed on the student records to prevent further registration and transcript receipt. The administrative flag will remain until such time as the Judicial Officer receives an appropriate response.
- g. All records related to the disciplinary process concerning a student will remain on file in Student Judicial Programs for seven years from the date the case is completed through administrative or discipline committee hearing and/or disciplinary appeal procedures. Records pertaining to student organizations will remain on file for a minimum of seven years.

2. *Administrative Hearing*

- a. The administrative hearing process will be completed in a timely manner based upon the specific circumstances of each case.
- b. After making a determination, the Judicial Officer will provide written notification to the student of the decision and, if any, the sanction(s), condition(s) and/or restriction(s) to be imposed.
- c. The student may utilize the disciplinary appeal procedures in Section E, Disciplinary Appeals Procedure.

3. *Committee Hearing*

If the student requests a committee hearing, the case may be resolved through committee hearing procedures as follows:

- a. A "Notification of Violation and Pending Disciplinary Hearing" will be delivered in person or sent to the student's last known official, local address as provided by the student or student organization to the Registrar's Office or the Center for Campus Life Office, respectively. If mailed, notification is to be mailed by return receipt requested. Failure of a student to receive certified mail does not prevent the University Discipline Committee from proceeding.
- b. The Judicial Officer and the student will inform each other of documents to be introduced, witnesses to be examined and the anticipated testimony of the witnesses. Information and/or supporting materials may not be considered unless the student and the university's

representative have been advised of the source and content at least five university working days in advance of the committee hearing.

- c. The University Discipline Committee, Judicial Officers and the student will have a reasonable opportunity to question witnesses. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be tape recorded. The confidential hearing will be closed unless the student requests to the Judicial Officer, in writing, within five university working days from the date of the "Notification of Violation and Pending Disciplinary Hearing" that the hearing be open to the public. The University Discipline Committee chair is responsible for conducting an orderly hearing. Prospective witnesses will be excluded from the hearing room until they are given the opportunity to present their information, knowledge and/or perception of the alleged incident. The chair may deny admission into, or remove from, the hearing anyone due to space limitations or disruptive behavior.
 - d. Following the hearing, the University Discipline Committee in writing, by consensus, will recommend to the Judicial Officer whether or not the student is responsible for the alleged violation(s).
 1. If the recommendation is that the student is responsible for the alleged violation(s), the Judicial Officer will be notified in writing of the recommendation by the University Discipline Committee chair. The Judicial Officer will review the recommendation and then determine the sanction(s), condition(s) and/or restriction(s), if any, to be imposed then notify the student in writing of the Judicial Officer's final disciplinary decision within five university working days.
 2. If the recommendation is that the alleged violation(s) occurred, the University Discipline Committee will recommend disciplinary sanction(s), condition(s) and/or restriction(s) and the University Discipline Committee chair will notify the Judicial Officer in writing. The Judicial Officer will review the recommendation and then determine the sanction(s), condition(s) and/or restriction(s), if any, to be imposed and notify the student in writing of the Judicial Officer's final disciplinary decision within five university working days.
 - e. The student may utilize the disciplinary appeal procedures in Section E, Disciplinary Appeals Procedure.
4. *Immediate Temporary Suspension*
- If in the judgment of the Vice President for Student Affairs, or the Vice President's representative, or on recommendation of the Judicial Officer or other university officials, the physical or emotional well-being of a student or other students or members of the university community could be endangered or if the presence of the student would seriously disrupt the normal operations of the university, a student may be temporarily suspended pending completion of disciplinary procedures. The Vice President for Student Affairs or Vice President's representative will notify the Judicial Officer to initiate appropriate disciplinary procedures within five university working days from the date of temporary suspension.

D. Disciplinary Sanctions, Conditions and/or Restrictions

The Judicial Officer may impose sanctions, conditions and/or restrictions as a result of an administrative hearing. Additionally, the University Discipline Committee may recommend sanctions, conditions and/or restrictions to the Director of Student Judicial Programs or designee as a result of a University Discipline Committee hearing. Through the administrative hearing or University Discipline Committee hearing, the following educational sanctions, conditions and/or restrictions may be assessed when a student is found to have been responsible for misconduct.

1. Sanctions are defined as the primary outcome or decision of the alleged violation. If found responsible, the range of sanctions includes the following outcomes:

- a. *Disciplinary Reprimand:*

The disciplinary reprimand is an official written notification to the student that the action in question was misconduct. In the case of a student organization, a copy of the notification may be sent to the organization's advisor(s) and international or national organization headquarters.

- b. *Disciplinary Probation:*

Disciplinary probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with university policies, rules and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* and/or Student Handbook during this period may result in additional sanctions, conditions and/or restrictions.

- c. *Deferred Disciplinary Suspension:*

Deferred disciplinary suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Additional misconduct or failure to comply may result in additional sanctions, conditions and/or restrictions.

- d. *Time-Limited Disciplinary Suspension:*

Time-limited disciplinary suspension is a period of time in which a student may not attend class or participate in university related activities. The status of disciplinary suspension will be shown on the student's academic record, including the transcript or student organization's registration, during the period of disciplinary suspension. During disciplinary suspension of a student organization, the registration and privileges of the organization are suspended. Upon written request by the student to the University Registrar or by the student organization's representative to the Center for Campus Life, the notation of disciplinary suspension will be removed from the transcript or registration upon readmission or the completion of the disciplinary suspension period. Notification of disciplinary suspension of a student will indicate the date on which the disciplinary suspension begins, the earliest date, if any, upon which the application for student readmission

or student organization re-registration will be considered. The Judicial Officer may deny a student's or student organization's request for readmission or registration, respectively, if the student's or student organization's misconduct during a period of disciplinary suspension would have warranted additional disciplinary action. Similarly, if the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission or registration, the Judicial Officer may deny readmission to a student or deny registration to a student organization. On denial of a student's readmission or of a student organization's re-registration, the Vice President for Student Affairs will set a date when another application for readmission or registration may again be made. A student may appeal denial of readmission or re-registration in accordance with the disciplinary appeals process. (See Section E, Disciplinary Appeals Procedure.)

e. *Disciplinary Expulsion:*

Disciplinary expulsion occurs when the student is permanently withdrawn and separated from the university. The status of expulsion will be shown on the student's academic record, including the transcript or student organization's registration. These sanctions may or may not be accompanied by conditions and/or restrictions.

2. A condition is defined as a secondary component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:
 - a. Personal and/or academic counseling.
 - b. Discretionary educational conditions and/or programs of educational service to the university and/or community.
 - c. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
 - d. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
 - e. Monetary assessment owed to the university.
 - f. Completion of an online alcohol or drug education program.
 - g. Referral to the Raider Assistance Program for assessment.
3. A restriction is defined as a secondary component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanction and will usually be time specific. Some examples of restrictions include, but are not limited to:
 - a. Revocation of parking.
 - b. Denial of eligibility for holding office in registered student organizations.
 - c. Denial of participation in extracurricular activities.
 - d. Prohibited access to university facilities and/or prohibited direct or indirect contact with members of the university community.
 - e. Loss of privileges on a temporary or permanent basis.

Implementation of the disciplinary sanction(s), condition(s) and/or restriction(s) will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted.

Exceptions are made only in cases for which, in the judgment of the Vice President for Student Affairs, the physical or emotional well-being of the student, the student organization, other students or other members of the university community may be endangered.

E. Disciplinary Appeal Procedures

1. Appeal Process

Any student may appeal the final disciplinary decision assessed by the Judicial Officer. Students may also appeal a decision denying readmission to the university or re-registration of a student organization. Failure to file a written request for an appeal within five university working days from the notice of the decision will render the original decision final and conclusive.

2. Grounds for Appeal

a. Appeals must be based on:

1. Issues of substantive or procedural errors which were prejudicial and which were committed during the disciplinary process.
2. Newly discovered relevant information that was not available at the administrative or committee hearing.

b. The specific questions to be addressed on appeal are:

1. Were the procedures of the *Code of Student Conduct* followed?
2. If a procedural error was committed, were the rights of the student or student organization materially violated so as to effectively deny the student or student organization a fair hearing?
3. Was the hearing conducted in a way that permitted the student or student organization's student representative adequate notice and the opportunity to present information?
4. Would the newly discovered information presented at the hearing be sufficient to change the decision reached?

3. Notification of Appeal

The appeal must be made in writing in sufficient detail to inform the Judicial Officer or the University Discipline Appeals Committee of the grounds for appeal. **The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case and in decision making procedures.** The student may choose to appeal a hearing outcome to either an administrative hearing appeal officer or the University Discipline Appeals Committee.

4. Administrative or University Discipline Committee Hearing Appeal Procedures

The student desiring to appeal an administrative decision or committee hearing recommendation has five university working days from the date of the decision letter to prepare and submit the written appeal to the Judicial

Appeals Officer or the University Discipline Appeals Committee. The Judicial Appeals Officer or the University Discipline Appeals Committee will review materials relevant to the case in the written appeal of an administrative hearing of the student. The disciplinary decision of the Judicial Appeals Officer or University Discipline Appeals Committee is final. The Judicial Appeals Officer or University Discipline Appeals Committee may:

- a. Find that no substantive and/or procedural error has occurred and affirm the decision.
 - b. Find that the written appeal submitted is not sufficient to establish the grounds for appeal and affirm the decision.
 - c. Find that the relevant new materials and written appeal submitted were sufficient to establish that based on the preponderance of evidence, the alleged misconduct had not occurred. The decision may be amended by the Judicial Appeals Officer or the University Discipline Appeals Committee who may refer the matter for a new hearing.
 - d. Find substantive and/or procedural errors that effectively denied the student or student organization due process. In this event, the decision may be amended by the Judicial Appeals Officer or the University Discipline Appeals Committee who will refer the matter for a new hearing.
 - e. In cases where a student is seeking readmittance or a student organization is seeking re-registration, the Judicial Appeals Officer or the University Discipline Appeals Committee may affirm the decision or recommend that the student be readmitted or the organization be re-registered.
5. *Final Decision*

The Judicial Appeals Officer or the University Discipline Appeals Committee will provide written notification of the final disciplinary decision to the student of the administrative or committee hearing appeal. If referred to the University Discipline Appeals Committee the chair will communicate in writing the committee's recommendation to the Judicial Appeals Officer. After review of the recommendations, the Judicial Appeals Officer will determine the final disciplinary decision within five university working days.

F. Withdrawal of Consent

1. Grounds for Removal
 - a. If in the judgment of the Judicial Officer, it is determined that:
 1. The individual has willfully disrupted the orderly operation of the premises, or
 2. His/her presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the premises.
 - b. The Judicial Officer may recommend to the Vice President for Student Affairs that in accordance with the Texas Education Code the student

may have his/her consent to be in attendance at the university withdrawn.

- c. If the Vice President for Student Affairs concurs with the Judicial Officer's recommendation, the student will have his/her consent to be in attendance at the University withdrawn. Withdrawal of Consent will not be longer than fourteen (14) days.

NOTE: See Texas Education Code, Section 51.233, at <http://www.capitol.state.tx.us/statutes/ed.toc.htm>

2. *Registration Flag Following Withdrawal of Consent*

When a student is withdrawn under this section, a registration flag will be placed on the student's readmission to the university. This registration flag will remain in the student's records until the student is readmitted.

NOTE: See Texas Education Code, Sections 51.233-51.244 at <http://www.capitol.state.tx.us/statutes/ed.toc.htm>

3. *Readmission Procedures and Appeals*

- a. A student who has had a registration flag placed on his or her records under this section must request readmission from the Judicial Officer at least three weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student may be required by the Judicial Officer to submit evidence in writing supportive of his or her present ability to function properly and effectively in the university community. The university will evaluate the student's request and supporting evidence with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Judicial Officer for the removal of the registration flag, the student must then complete the regular university readmission procedures.
- b. If approval for readmission is denied by the Judicial Officer, the student may appeal that decision to the Vice President for Student Affairs. The appeal to the Vice President for Student Affairs must be made, in writing, within five university working days from the date the student is notified in writing by the Judicial Officer that the student's request has been denied.
- c. The Vice President for Student Affairs, upon receiving an appeal request, must inform the student in writing that he or she is entitled to a hearing. This hearing should be held within five university working days from the date that the Vice President for Student Affairs informs the student of the hearing. The hearing will be conducted by the Vice President for Student Affairs or the Vice President's representative. Following the hearing, the Vice President for Student Affairs will either sustain the decision of the Judicial Officer or reverse the decision and allow the student to re-enroll in the university. The Vice President for

Student Affairs will notify all parties of this decision in writing within five university working days following the completion of the hearing.

G. Code of Student Conduct University Committees

1. *University Discipline Committee*

a. Committee Composition

The University Discipline Committee will conduct disciplinary hearings in referred cases. The Committee will be composed of five full-time faculty members, five full-time undergraduate students and five full-time staff members and will be recognized as a University Committee. Each member will be appointed for a single one-year term by the Vice President for Student Affairs. Committee members may be re-appointed for consecutive one-year terms.

b. Committee Appointments

University Discipline Committee appointments will be made as follows:

1. The chair will be appointed by the Vice President for Student Affairs and will be a member of the faculty or staff. If the chair is absent, an acting chair may be named by the Director of Student Judicial Programs.
2. Five full-time undergraduate student members will be appointed by the Vice President for Student Affairs who will invite recommendations by the President of the Student Government Association, with the advice of the Student Senate.
3. Five full-time faculty members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Faculty Senate, with the advice of the Faculty Senate.
4. Five full-time staff members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Staff Senate, with the advice of the Staff Senate.

c. Committee Recorder

The Director of Student Judicial Programs, or designee, will serve as a non-voting resource person for the committee.

d. Committee Meetings

The committee will establish meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. Committee hearings will be conducted by a subgroup of the minimum fifteen (15) committee members.

e. Committee Quorum

A quorum for the committee consists of four members, so long as at least one member is present from each of the three representative categories.

f. Committee Deliberation

When deliberating a case, the committee will meet in closed session with only voting members and the resource persons present.

g. Committee Removals

The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

h. Additional Committee Sections and/or Members

The Vice President for Student Affairs or designee may appoint additional sections and/or members of the University Discipline Committee to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the university. The additional sections and/or members of the University Discipline Committee will have the same composition of membership, the same duties and the same authority as the original University Discipline Committee, and additional sections will be alphabetically designated. Each section will function as a separate and independent unit in helping dispose of the caseload in the university disciplinary process. Cases will be assigned by the Director of Student Judicial Programs.

i. Committee Orientation

Members of the University Discipline Committee shall be required to participate in an orientation facilitated by Student Judicial Programs prior to serving as a member of any committee hearing.

2. *University Discipline Appeals Committee*

a. Committee Composition

The University Discipline Appeals Committee will conduct disciplinary appellate hearings in requested cases. The Committee will be composed of three full-time faculty members, three full-time undergraduate students and three full-time staff members and will be recognized as a University Committee. Each member will be appointed for a single one-year term by the Vice President for Student Affairs. Committee members may be re-appointed for consecutive one-year terms.

b. Committee Appointments

University Discipline Appeals Committee appointments will be made as follows:

1. The chair will be appointed by the Vice President for Student Affairs and will be a member of the faculty or staff. If the chair is absent, an acting chair may be named by the Director of Student Judicial Programs
2. Three full-time undergraduate student members will be appointed by the Vice President for Student Affairs who will invite recommendations by the President of the Student Government Association, with the advice of the Student Senate.
3. Three full-time faculty members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the

President of the Faculty Senate, with the advice of the Faculty Senate.

4. Three full-time staff members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Staff Senate, with the advice of the Staff Senate.

c. Committee Recorder

The Director of Student Judicial Programs, or designee, will serve as a non-voting resource person for the committee.

d. Committee Deliberation

When deliberating a case, the committee will meet in closed session with only voting members and the resource person(s) present.

e. Committee Removals

The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

f. Committee Meetings

The committee will establish meeting dates and times during which cases will be reviewed and will provide for scheduling special meetings as needed. Appeals hearings will be conducted by a subgroup of the minimum nine members from the committee.

g. Committee Quorum

A quorum for the committee is four members, so long as at least one member is present from each of the three representative categories.

h. Additional Committee Sections and/or Members

The Vice President for Student Affairs may appoint additional sections and/or members of the University Discipline Appeals Committee to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the university. The additional sections and/or members of the University Discipline Appeals Committee will have the same composition of membership, the same duties and the same authority as the original University Discipline Appeals Committee, and the additional sections will be alphabetically designated. Each section will function as a separate and independent unit in helping dispose of the appeal caseload in the university disciplinary process. Cases will be assigned by the Director of Student Judicial Programs.

i. Committee Orientation

Members of the University Discipline Appeals Committee will be required to participate in an orientation facilitated by Student Judicial Programs prior to serving as a member of any disciplinary appeal committee hearing.

3. *Code of Student Conduct* Review Committee

a. Committee Composition

The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make

recommendations to the Vice President for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The *Code of Student Conduct* Review Committee is composed of three full-time faculty members, two full-time staff members, two full-time undergraduate students and one full-time graduate student. Faculty and staff will be appointed for one three-year term, and undergraduate/graduate student(s) will be appointed for a single one-year term.

b. Committee Appointment

1. The chair will be appointed by the Vice President for Student Affairs and will be a full-time member of the faculty or staff.
2. The *Code of Student Conduct* Review Committee will consist of three full-time faculty members, two full-time staff members, two full-time undergraduate students and one full-time graduate student.
3. Two full-time undergraduate student members and one full-time graduate student member will be appointed by the Vice President for Student Affairs who will invite recommendations by the President of the Student Government Association, with the advice of the Student Senate.
4. Three full-time faculty members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Faculty Senate, with the advice of the Faculty Senate.
5. Two full-time staff members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Staff Senate, with the advice of the Staff Senate.

c. Committee Recorder

The Director of Student Judicial Programs, or designee, will serve as a resource person for the committee.

d. Committee Removals

The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

e. Committee Meetings

The committee will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.

f. Committee Quorum

A quorum for the committee is four members, so long as at least one member is present from each of the four representative categories.

g. Additional Committee Sections and/or Members

The Vice President for Student Affairs may appoint additional sections and/or members of the *Code of Student Conduct* Review Committee to expedite the review process of the code. The additional sections and/or

members of the *Code of Student Conduct* Review Committee will have the same composition of membership, the same duties and the same authority as the original *Code of Student Conduct* Review Committee, and the additional sections will be alphabetically designated.

h. *Code of Student Conduct* Committee Orientation

Members of the *Code of Student Conduct* Committee will be required to participate in an orientation facilitated by the Director of Student Judicial Programs prior to review of the Code of Student Conduct.

Part IX Code of Student Conduct

Student Handbook

Approved by the Board of Regents May 12-13, 2005

Effective Saturday, August 20, 2005