

## SECTION B: MISCONDUCT

### 1. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

#### a. Cheating

1. Copying from another student's academic work, test, quiz, or other assignment
2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
3. The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.
4. Possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.
5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer program/software, or information about an unadministered test, test key, homework solution or computer program.
6. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
8. Taking, keeping, misplacing, damaging or altering 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.
9. Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
10. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
11. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.

#### b. Plagiarism/Self-Plagiarism

1. The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased or summarized materials.
2. The submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

c. Collusion

Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, test, quiz, or other assignment that results in similarities in the work, including but not limited to providing unauthorized assistance to another student and/or allowing another student access to completed academic work.

d. Falsifying academic records

1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

e. Misrepresenting facts

1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
2. Providing false or misleading information in an effort to injure another student academically or financially.
3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

*NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.*

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

*NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.*

g. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f above.

**2. Actions against Members of the University Community and Others**

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct

Intentional or reckless behavior that disrupts or obstructs the University operations including the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

b. Harmful, Threatening, or Endangering Conduct

Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others.

c. Assault

Intentionally, recklessly, or knowingly causing physical harm to another individual and/or causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or as harmful.

d. Threats

Any act or communication (written, oral, or otherwise) a reasonable person would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s), including intimidation to cause injury, implied threats or acts that cause a reasonable fear of harm.

*NOTE: Examples may include but are not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.*

e. Intimate partner/relationship violence/dating violence

For the purposes of this policy, see Part I, Section D.

f. Bullying/cyber bullying

Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the Code of Student Conduct.

*NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.*

g. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety/safety of others or would cause the person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person’s property. This may also be covered under Part I, Section D.

h. Mutual Combat

Any incident between two or more individuals in which violence or the threat of violence is mutual.

*NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.*

i. Sexual Misconduct

For the purposes of this policy, see Part I, Section D.

j. Hazing

Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of primarily 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:

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
2. Any type of activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement, personal servitude, or calisthenics.
3. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.

4. Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
5. Any activity in which a person 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 or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Conduct.
6. 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.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

*NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936*

k. **Discriminatory Harassment**

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

l. **Retaliatory Discrimination or Harassment**

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

m. **Complicity or Knowingly Present**

1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the Code of Student Conduct.
2. Complicity with or failure of any organized group to address known or obvious violations of the Code of Student Conduct by its members.
3. Any person who is knowingly present for the commission of a violation of the Code of Student Conduct and does not take steps to remove themselves from the location of the violation.

*NOTE: Actions involving free expression activities are covered in Community Policies, Section H.*

**3. Alcoholic Beverages**

Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.

**4. Narcotics or Drugs**

Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription

medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.

**5. Smoking, Vaping, and/or Tobacco Use**

Smoking, vaping, and/or tobacco use (including smokeless tobacco) in unauthorized areas on University property as designated by the Texas Tech University [smoke-free and tobacco-free environment policy](#) (OP 60.15).

**6. Firearms, Weapons and Explosives**

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.

*NOTE: See Texas Tech University Operating Policy related to Campus Carry at <http://www.depts.ttu.edu/opmanual/> and University Student Housing Contract Guide for specific approved devices allowed in the residence halls.*

**7. Flammable Materials/Arson**

- a. Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

**8. Theft, Damage, Littering or Unauthorized Use**

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- 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 including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, by campus visitors or others
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, campus visitors, or others.
- e. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to your student financial account from accounts with insufficient funds.
- f. Possession, alteration, forgery, misrepresentation, or use of any form of identification, not belonging to you or used for the purpose originally issued.
- g. Selling items including but not limited to: stolen items, student identification cards and/or any item which may be used as a form of false identification.

**9. Gambling, Wagering, Gaming and/or Bookmaking**

Gambling, wagering, gaming and bookmaking as defined by federal, state, local laws, and/or Texas Tech University policy are prohibited on University premises involving the use of University equipment or services.

**10. False Alarms**

Intentional sounding of a false fire alarm or falsely reporting an emergency. The destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.

## **11. Unauthorized Entry, Possession or Use**

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- 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, logo, registered marks or symbols; 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 registered student organization at Texas Tech University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.

## **12. Failure to Comply**

- a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
- b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
- c. Any intentional, retaliatory, or adverse action taken by a respondent individual or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this Code of Student Conduct.
- d. Failure to comply with the sanctions imposed by the University under the Code of Student Conduct or the Student Handbook.

*NOTE: Examples include but are not limited to directives from the Office of the Dean of Students staff, Office of Student Conduct staff, Title IX staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.*

## **13. Abuse, Misuse, or Theft of University Information Resources**

"Information resources" means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003(7).) Per Texas statutes, TTU information resources are strategic assets of the state of Texas that must be managed as valuable state resources. Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the Code of Student Conduct. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies (<http://depts.ttu.edu/infotech/security/>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, confidential and/or sensitive information and passwords, including the unauthorized sharing of confidential and/or sensitive information or passwords with individuals who have not been

- granted access to University information resources.
- b. Use of University information resources:
    - 1. For unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
    - 2. To violate Part I, Section B.2 of the Code of Student Conduct (Actions against Members of the University Community and Others).
  - c. Attempted or actual:
    - 1. Breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
    - 2. Use of TTU information resources to interfere with the normal operation of the University.
    - 3. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
    - 4. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
  - d. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the explicit approval by the TTU official processes regarding academic ethical issues. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information Security Officer or Chief Information Officer immediately.
  - e. Intentional "spamming" of students, faculty, or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal relationship) using TTU information resources.

#### **14. Providing False Information or Misuse of Records**

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

#### **15. Skateboards, Rollerblades, Scooters, Bicycles or Similar Modes of Transportation**

Use of skateboards, rollerblades, scooters, bicycles or other similar modes of transportation 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 University Parking Services Regulations at*

*<http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf>*

#### **16. Interference with Expressive Activities**

Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the Code of Student Conduct. The terms of such

Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation.

*NOTE: See also Code of Student Conduct Part II, Section H – Freedom of Expression Activities & Section Q – Use of University Space*

### **17. Violation of Published University Policies, Rules or Regulations**

Violation of any published University policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of:

1. Transportation & Parking Services
2. University Student Housing
3. Recreational Sports
4. Student Organization and Fraternity and Sorority Life
5. Texas Tech University Board of Regents' Rules
6. Texas Tech University Operating Policies and Procedures
7. Community Policies of the Student Handbook
8. TTU Athletics

### **18. Violation of Federal, State, Local Law and/or University Policy**

Misconduct which may constitute a violation of federal, state local laws, and/or Texas Tech University policy may be considered a violation of University policy and may be investigated through the University conduct system. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in or resolve a university conduct proceeding.

### **19. Abuse of the Discipline System**

- a. Failure of a student to respond to a notification to appear before an Investigator during any stage of the conduct process.
- 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 and/or after the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

## **SECTION C: CONDUCT PROCEDURES FOR STUDENTS**

Upon notice or receipt of potential violation(s) of the *Code of Student Conduct*, The Dean of Students or the Managing Director or designee will appoint an Investigator who will inquire, gather and review information about the reported student misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.