



THE OFFICE OF  
**STUDENT CONDUCT**



CODE OF  
**STUDENT  
CONDUCT**



TEXAS A&M  
UNIVERSITY  
CENTRAL TEXAS

WARRIOR HALL, 105  
(254) 501-5909

## Part I: Academic Rules (Rules 1 – 3)

### 1. Academic Rights & Responsibilities

Students enrolling at Texas A&M University-Central Texas (A&M-Central Texas) voluntarily and knowingly accept the responsibility to fulfill the requirements for obtaining a college education. Students are expected to uphold the utmost level of honor, integrity, and commitment to the community.

#### 1.1. Attendance

The university views class attendance as an individual student responsibility and is an important factor for academic success. Students are expected to attend class and to complete all assignments. Instructors are expected to provide notice of the dates on which major exams will be given and assignments will be due on the course syllabus, which must be made available by the first-class period.

A&M-Central Texas recognizes each student as an adult with adult attitudes and responsibilities and further recognizes the unique relationship between faculty and student and the responsibility each has to the others. The faculty member has the responsibility and authority to determine if make-up work can be done due to absences. Students may request make-up consideration for valid and verifiable reasons such as illness, death in the immediate family, legal proceedings or participation in sponsored university activities.

1.1.1. The student is responsible for providing satisfactory evidence to the instructor to substantiate the reason for absence. Among the reasons for which absences are considered excused by the university are the following:

- participation in an activity appearing on the university authorized activity list;
- death or major illness in a student's immediate family. Immediate family may include: mother, father, sister, brother, grandparents, spouse, child, spouse's child, spouse's parents, spouse's grandparents, step-mother, step-father, step-sister, step-brother, step-grandparents, grandchild, step-grandchild, legal guardian, and others as deemed appropriate by the instructor or student's academic Dean or designee;
- illness of a dependent family member;
- participation in legal proceedings or administrative procedures that require a student's presence;
- religious holy day (See Appendix C);
- injury or illness that is too severe or contagious for the student to attend class;
- injury or illness of three or more days. For injury or illness that requires a student to be absent from classes for three or more business days (to include classes on Saturday), the student should obtain a medical confirmation notes from his or her medical provider. The medical confirmation note must contain the date and time of the illness and medical professional's confirmation of needed absence.
- injury or illness less than three days. Faculty members may require confirmation of student injury or illness that is serious enough for a student to be absent from class for a period of less than three business days (to include classes on Saturday). At the discretion of the faculty member and/or academic department standard, as outlined in the course syllabus, illness confirmation may be obtained by one or both of the following methods:
  - Texas A&M University-Central Texas Explanatory Statement for Absence from Class
  - Confirmation of visit to a health care professional affirming date and time of visit
- required participation in military duties
- mandatory admission interviews for professional or graduate school which cannot be rescheduled.

1.1.2. In accordance with Title IX of the Educational Amendments of 1972, A&M-Central Texas shall treat pregnancy (childbirth, false pregnancy, termination of pregnancy and recovery therefrom) and related conditions as a justification for an excused absence for so long a period of time as is deemed medically necessary by the student's physician. Requests for excused absence related to pregnancy should be directed to the instructor; questions about Title IX should be directed to the University Title IX Coordinator or Deputy Title IX Coordinator.

### 2. Code of Academic Integrity

#### 2.1. Introduction

Texas A&M University-Central Texas values the integrity of the academic enterprise and strives for the highest standards of academic conduct. A&M-Central Texas expects its students, faculty, and staff to support the adherence to high standards of personal and scholarly conduct to preserve the honor and integrity of the creative community.

Though we believe in a community approach, we want to emphasize that students' responsibilities include, but are not limited to, maintaining integrity in their own academic work, reporting incidents of academic misconduct to the instructor involved, and to be educated on these academic community standards.

Ignorance of our standards and expectations is never an excuse to act with a lack of integrity. Any violation of the Code of Academic Integrity shall also be considered a violation of the A&M University-Central Texas Code of Student Conduct.

## 2.2. DEFINITIONS OF ACADEMIC INTEGRITY

Integrity is integral to scholarly work.

The Center for Academic Integrity defines academic integrity as a "commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility." The excellence we, as an academic community, strive for is bound fundamentally to these values. Academic misconduct is any act that improperly affects a true and honest evaluation of a student's academic performance.

Misconduct may occur when the student acts knowingly or should reasonable know the act is misconduct.

## 2.3. DEFINITION OF ACADEMIC WORK

Academic work is defined as all work submitted for any course or program and all academic activities such as enrollment and withdrawal from a class.

All academic work at A&M-Central Texas is expected to be submitted with integrity and uncompromising adherence to the standards described. Academic dishonesty includes the commission of any of the following acts. This listing is not, however, exclusive of any other acts that may reasonably be called academic dishonesty.

## 2.4. ACADEMIC INTEGRITY RULES

### 2.4.1. Cheating

Cheating is committing fraud on an exam, report, paper, or other course assignment or requirement.

Students shall not, without prior approval of the instructor, use or attempt to use material not intended for student use, information, instructor designated materials, or study aids in any form.

### 2.4.2. Plagiarism

Plagiarism is defined as representing another's work as one's own without acknowledgement or citation.

Students shall not replicate or assume the ideas, thoughts, theories, formulas, illustrative work, or words of another person without proper acknowledgement and citation.

### 2.4.3. Unauthorized Collaboration

Many classes will emphasize working with a partner or in groups. Additionally, A&M-Central Texas encourages students to be supportive of one another. Unless otherwise approved by the course instructor it is assumed that all work submitted is the product of the sole student.

Simply discussing assignments is not a violation of the Code.

Students must submit work that is original to them and will only collaborate when given permission by the course instructor.

### 2.4.4. Falsification of Data, Records, and Official Documents

Altering or manufacturing information submitted for a grade, publication, admission (to the university or a class), or for an excused absence.

Students shall not falsify or provide manufactured data on academic work, admission information, student records, grades, or documentation to or from instructors.

#### 2.4.5. Collusion

Assisting another person in academic misconduct or allowing academic misconduct to happen while having knowledge of the act is equivalent to committing the specific act.

The institution encourages students to be supportive of one another; however, we strongly discourage students from wholly sharing work. There is a difference between helping a fellow student work through a problem and allowing that student to copy your work.

Students who have knowledge of academic misconduct prior to or after its completion are expected to share that information with the instructor.

#### 2.4.6. Malicious interference/tampering with University property

Stealing, changing, destroying, gaining unauthorized access to, or impeding another's work. It is considered a violation of academic integrity to steal, change, destroy, or in some way tamper with a person's work or computer access.

#### 2.4.7. Multiple submissions

Multiple submissions are defined as students submitting a graded assignment or course requirement more than once without prior approval from the instructor. Unless given specific prior permission, students are expected to only submit academic work once.

#### 2.4.8. Violation of course rules

Instructors and academic programs and departments are tasked with creating courses that will challenge students and create an optimal learning experience. Syllabi and other instructions given by instructors are used to communicate course rules.

A student shall not violate rules established by the course syllabus, verbal or written instructions, department or programmatic standards, or materials related to the content of the course.

#### 2.5. Reporting Academic Misconduct

The entire university – not just instructors – may report academic misconduct. Referrals to the Office of Student Conduct may be made at: [https://cm.maxient.com/reportingform.php?TAMUCentralTexas&layout\\_id=0](https://cm.maxient.com/reportingform.php?TAMUCentralTexas&layout_id=0) or by calling the Office of Student Conduct at 254-501-5909.

#### 2.6. Request for Reconsideration or Review

Students who wish to request reconsideration of the outcome of their student conduct hearing must follow the request procedure outlined in the Code of Student Conduct. Students wishing to request reconsideration of a grade assigned by a faculty member must follow the grade appeal procedure.

### Part II: Student Life Rules (Rules 4 -

#### 3. Students' Rights and Responsibilities

3.1. While no university may punish, forbid, heavily regulate, or restrict speech rights protected by the First Amendment, Texas A&M University-Central Texas aspires that its students will engage with members of the university community in a courteous, respectful, dignified, and academic manner.

Each student shall have the right to participate in all areas and activities of the university, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, gender, or veteran status in accordance with applicable federal and state laws. No university official or student, regardless of position or rank, shall violate these rights; any custom, tradition, or regulation in conflict will not be allowed to prevail. Students are expected at all times to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best of their time toward an education.

#### 4. Basic Rules and Procedures Governing Student Life

4.1. Texas A&M University-Central Texas' primary concern is the success and well-being of our students.

4.2. The University attempts to provide a campus environment that is conducive to academic endeavor and personal and professional growth for all students.

4.3. The University will determine, publish and make known its rules concerning student conduct. The University has the right to determine when its rules are violated and to determine the appropriate course of action. By enrolling in

Texas A&M University-Central Texas, the student accepts the responsibility to comply with the University's authority, to respect the rights of others and to protect private and public property.

- 4.4. Every student has the right to all advantages, prestige and honors available to a student of this University. The student retains the rights guaranteed under the Constitution of the United States, the right of freedom from control by any persons except as may be in accord with published rules of the University, the right to pursue an education and to receive a degree or certificate for the successful completion of its requirements.
  - 4.5. Students are responsible for complying with the rules for parking on campus set forth by the University Police Department and Department of Public Safety. Currently registered students may not park in designated visitor parking spaces.
  - 4.6. With the exception of service animals, animals are not permitted in university food service areas or university buildings except where authorized. Students with service animals are required to remove the animal's waste.
  - 4.7. Minor children (under the age of 18 and not currently registered) are not allowed in academic classrooms without the express authorization of the instructor for that specific class. Permission may be revoked at any time. Children are prohibited from being left unsupervised in university buildings. Children left unsupervised will be referred to the University Police Department out of concern for the safety of the child.
  - 4.8. Official University notices are published on the website or sent via MyCT email constitute due notice to all concerned. Students are expected to access and review their MyCT email regularly.
  - 4.9. Student organizations may be officially recognized when formed for purposes consistent with the philosophy and goals of the university. Student organizations must be recognized in order to be eligible to receive student funding. Student organizations must comply with all student organization rules in the Student Organization Manual. The process for recognition is found in the Student Organization Manual.
  - 4.10. Any complaints filed with legal authorities on behalf of the University as a result of violations of the Texas Penal Code will be so filed by the Chief of Police for Texas A&M University-Central Texas.
  - 4.11. Students are expected to be fully acquainted with all published standards of conduct, academic and behavioral, in the Code of Student Conduct.
  - 4.12. Students are responsible for obtaining all published materials and updates relating to this Code from the Division of Student Affairs.
  - 4.13. All students are presumed to be "not responsible" for allegations until a fact pattern establishes otherwise.
  - 4.14. The Code of Student Conduct is not intended to be a comprehensive list of standards students are held to and whenever this document is unclear, students are expected to uphold the "spirit" of the Code of Student Conduct. Any question of interpretation or application of this Code of Student Conduct shall be referred to the Division of Student Affairs.
  - 4.15. Appointment of Students to University Committees.
    - 4.15.1. In conjunction with the governing documents, the Student Government Association shall provide for the appointment of students to university committees.
    - 4.15.2. Undergraduate student members
5. Code of Student Conduct
- The General Order on Judicial Standards of Procedural and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education supports higher standards of behavior for students.

Attendance at a university is not compulsory. The voluntary attendance of a student at a university is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonable imposed by the university. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. A university may discipline students to ensure compliance with these higher obligations as a teach method or to sever the student from the academic community.

The General Order further emphasizes the ability of universities to establish standards of superior ethical and moral behavior that occur either on or off campus.

No rule, no matter how carefully worded, can cover all eventualities completely. Beyond specific rules, we should all aspire to conduct ourselves with respect for others, the highest ethical standards, and personal integrity. This is what the Warrior Spirit is all about.

#### 5.1. Definitions

Only for purposes of this Code of Student Conduct, the following terms and definitions will apply. The Dean of Student Affairs or designee reserves the right to interpret and enforce this Code of Student Conduct.

- 5.1.1. “Accused student” or “Respondent” shall mean any student charged with a violation of a student rule or is the subject of a complaint.
- 5.1.2. The term “Administrative Disposition” refers to a less formal route for students to discuss and potentially resolve allegations of misconduct. Typically, the administrative disposition is reserved for students not challenging the underlying facts of the allegation(s).
- 5.1.3. “Chairperson” shall refer to a Student Conduct Administrator who is authorized by the Dean of Student Affairs or designee to take the lead role in conducting conferences when there is more than one person serving as a Student Conduct Panel and/or more than one Student Conduct Administrator present.
- 5.1.4. The term “charge” means an allegation of a potential violation of the Student Rules. Charges are issued after a Student Conduct Administrator has determined sufficient information exists to hold a conference to determine whether a student (or students) has violated a rule or (rules).
- 5.1.5. “the Code,” or similar derivations, shall refer to the Code of Student Conduct.
- 5.1.6. The term “retaliation” shall be defined as any intentional, adverse action taken by an accused individual or allied third party, absent legitimate nondiscriminatory purposes, as reprisal against a participant in any university investigation, process, or procedure. Retaliation exists when an individual harasses, intimidates, or takes other adverse actions against a person because of that person’s participation in any university investigation, process, or procedure or their support of someone involved in a university investigation, process, or procedure. Retaliatory actions include, but are not limited to, threats or actual violence against the person or that person’s property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The university will impose severe sanctions on students found responsible for engaging in retaliatory acts or encouraging others to act in retaliation.
- 5.1.7. The term “complainant” means any person who submits information indicating a student may have violated the Code. Information brought forth by a complainant may result in an investigation. For sex-based misconduct, only the individual in receipt of the behavior will be identified as a complainant.
- 5.1.8. The term “conference” means a process which provides an opportunity for an accused student to respond to a specific charge or charges. The purpose of a conference is to determine whether there is a preponderance of information to support the charges and if so, to determine the appropriate sanction or sanctions.
- 5.1.9. The term “consent,” solely for the purposes of the Sexual Misconduct rule (see rule #), means clear, voluntary, and positive verbal or non-verbal communication that all participants have agreed to the sexual activity.
- Consent must occur prior to or at the same time as the sexual activity.
  - Consent must remain clear, voluntary, and positive throughout the sexual activity.
  - Consent must be given for the current sexual contact. The existence of a prior relationship or prior sexual activity does not ensure consent for current or future sexual contact. There must be consent for each specific type of sexual contact throughout the sexual activity. Consent must be given by each participant involved.
  - A person must be 17 years of age or older to be able to consent to sexual activity if the other participant(s) involved are more than three (3) years of age older than that person.
  - A person who is clearly or visibly incapacitated is not able to give consent to sexual activity (see definition of incapacitation).
- 5.1.10. The term “Intimate Partner Violence” shall be equivalent to Domestic Violence/Dating Violence
- 5.1.11. The term “dating violence” means any physical abuse or sexual misconduct, other than a defensive measure to protect oneself, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.
- 5.1.12. The term “domestic violence” means a felony or misdemeanor crime of violence committed by:
- (a) a current or former spouse or intimate partner of the victim;
  - (b) a person with whom the victim shares a child in common;
  - (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (e) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 U.S.C. 12291(a)(8)]
- 5.1.13. The term “educational program or activity” shall be interpreted broadly to include all University operations, including all university-owned or leased property, and circumstances over which the University exercises substantial control over both the respondent and the context in which the alleged discriminatory behavior

occurred, including any building owned or controlled by a student organization officially recognized by the University.

- 5.1.14. The term “faculty member” refers to any person hired by the University to conduct classroom, teaching, or research activities or who is otherwise considered by the University to be a member of its faculty.
- 5.1.15. The term “Formal Conference” refers to a formal route for students to resolve allegations of misconduct and is recorded live.
- 5.1.16. The term “hostile environment” means a situation in which there is unwelcome harassing conduct based on a legally protected class that is so severe, persistent, or pervasive enough to create a work or educational environment that a reasonable person similarly situated would consider objectively offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances, which may include frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and the mental or emotional effect of the conduct on the individual subjected to the alleged. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality or policy violation.
- 5.1.17. The term “objectively offensive” shall refer to behavior determined by a reasonable person to be offensive.
- 5.1.18. Reasonable person means a person under similar circumstances and with similar identities to the victim. The reasonable person standard is a comparative standard on one person’s assessment of an action, actions, or situation compared with how most persons might act or react based on similar circumstances.
- 5.1.19. The term “incapacitation” a state in which a person, due to a disability, the use of alcohol or drugs, being asleep, or for any other reason is not capable of making rational decisions about consent to sexual activity and recognizing the consequences of their decision.
- 5.1.20. The term “investigation” means the follow through on a complaint to ascertain details and circumstances associated with the complaint. Investigations may result in charges, a form of alternative dispute resolution, or dismissal of complaint. This determination is made at the sole discretion of the Dean of Student Affairs and/or designee.
- 5.1.21. The term “may” is used in the permissive sense.
- 5.1.22. Persistent – conduct occurring frequently over an unspecified period of time.
- 5.1.23. Pervasive – conduct existing in or spreading over a large area of an activity or program over a period of time.
- 5.1.24. The term “member of the University community” includes any person who is identified by the University as a student, faculty member, staff, University Official, or any other person employed by the University or by a company contracted to provide services for the University.
- 5.1.25. A finding of “Not Responsible” shall refer to a finding of a Student Conduct Administrator the accused student(s) did not violate the Code or there is insufficient information available to hold the student(s) responsible.
- 5.1.26. The term “organization” means any number of people who meet any single or combination of the following criteria:
  - belong to a group whose members are primarily A&M University-Central Texas students including but not limited to academic, athletic, recreational, religious, performance, political, and social or similar groups, and/or
  - have complied with the formal requirements for University recognition, and/or
  - are advised by a University official whose position description designates them as an advisor, and/or
  - are advised by a University official who has volunteered as an advisor, and/or
  - are otherwise considered by the University to be an organization.
- 5.1.27. A finding of “Responsible” shall refer to a finding of a Student Conduct Administrator the accused student(s) violated the Code. All students are presumed “not responsible” until a fact pattern establishes otherwise.
- 5.1.28. The term “retaliation” means any adverse action taken against a person for making a good faith report of a violation of Texas A&M University System policies, university rules, student rules, and/or the law, or for participating in any proceeding related to the investigation or resolution of such report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a decision of “unsubstantiated, “insufficient information to substantiate,” “not responsible” on the allegations. Retaliation does not include good faith actions lawfully pursued in response to a report. Violation of an interim, remedial, or protective measure will be considered retaliation.

- 5.1.29. The terms “request for reconsideration,” “request for review,” or “appeal” shall mean a written request from a student to review the outcomes of a conference.
- 5.1.30. The term “sanction” includes responses or requirements given by the University to a student during a conference in response to a violation of a rule. University sanctions include all items listed in Sections 8.5 – 8.7 of this Code.
- 5.1.31. The term “shall” is used in the imperative sense.
- 5.1.32. The term “staff” means any person who is employed by the University and not defined as faculty.
- 5.1.33. The term “student” shall mean any individual enrolled in A&M University-Central Texas or someone who has accepted an offer of admission or, if not currently enrolled, otherwise has a continuing relationship with the university; for example, someone enrolled in a future semester. Students who are also employees would have their status in this process determined by the context of the allegations; these individuals are subject to civil rights processes as well as student conduct and employment standards set by the University.
- 5.1.34. “Student Conduct Administrator” means a University official authorized by the Dean of Student Affairs or designee to collect information, to initiate charge letters, articulate charges in conferences, present information to support charges, to conduct conferences, and to impose sanctions upon any student(s) found to have violated the Code. The Dean of Student Affairs or designee may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator as the sole member, or one of the members of a Student Conduct Panel.
- 5.1.35. The term “Student Conduct Panel” means any person or persons authorized by the Dean of Student Affairs or designee to determine whether a student has violated the Code and to determine sanctions that may be imposed when a rule violation has been committed (or the student found responsible).
- 5.1.36. The term “rule” encompasses those behavioral expectations contained in, but not limited to, the Student Rules, and University Network Acceptable Use Rules. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.
- 5.1.37. The term “university” or “institution” shall mean Texas A&M University-Central Texas.
- 5.1.38. The term “University Official” means any person employed by the University, performing assigned administrative or professional responsibilities.
- 5.1.39. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, leased, operated, supervised, used or controlled by the University (including adjacent streets and sidewalks)
- 5.1.40. “Weekday” or “Day” means a day Monday through Friday excluding any day(s) that is an official university holiday or when regularly scheduled classes are suspended.
- 5.1.41. The Dean of Student Affairs is the person designated by the University President to be responsible for the Code of Student Conduct. The Dean of Student Affairs may assign a designee to meet these responsibilities.
- 5.2. Student Conduct Authority
- 5.2.1. The Dean of Student Affairs or designee shall develop procedures for the administration of the student conduct system and for the implementation of Student Conduct Conferences consistent with provisions of the Code of Student Conduct.
- 5.2.2. The Dean of Student Affairs or designee shall determine the composition of Student Conduct Panel(s) and determine which Student Conduct Panel, Student Conduct Administrator, or appellate body shall be authorized to hear each matter.
- 5.2.2.1. The members of the Student Conduct Panel, or formal conference body, shall be recommended to and approved by the President of A&M-Central Texas.
- 5.2.3. Decisions made by a Student Conduct Panel and/or Student Conduct Administrator shall not be final until the appellate processes have been exhausted, waived, or time has expired.
- 5.3. Jurisdiction of The Code
- 5.3.1. The Code shall apply to conduct that occurs on university premises or conduct that adversely affects the University community and/or the pursuit of its objectives (mission). This action may be taken for either affiliated or non-affiliated activities.

The university may take action in incidents occurring off university premises involving: student misconduct demonstrating disregard for any person; when a student’s or organization’s behavior threatens the health, safety, or property of another; and/or when a student’s sexual harassment of a Member of the University Community occurring off campus creates a hostile environment on campus; or any other activity which has a substantial negative effect on the university community and/or the university’s pursuit of its objectives.

Using the Dean of Student Affairs' discretion, the Dean of Student Affairs or designee shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis.

This Code applies at all locations of the University, except those campuses and locations who write their own student conduct code.

Conduct engaged through electronic communication including, but not limited to, social media, e-mail, and text messaging shall also be governed by this Code of Student Conduct.

#### 5.4. Rules and Regulations

Conduct standards at the University are set forth in writing in order to give students general notice of prohibited conduct. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

Any student found to have committed or to have attempted to engage in the following behavior may be subject to the disciplinary sanctions outlined in Section 8. It shall not be a defense that a University Official, a student leader or other person authorized the behavior in question.

##### 5.4.1. Abuse of the Campus Conduct System. Abuse includes, but is not limited to, the following:

- failure to inform a hearing officer of the student's choice not to appear for a pre-hearing conference or before a hearing body when proper notice is given;
- falsification, distortion, or misrepresentation of information or evidence before a hearing officer, hearing body, or University official prior, during, or after a student conduct proceeding;
- disruption of or interference with the orderly conduct of a student conduct proceeding;
- attempting to influence the impartiality of a member of the student conduct panel, staff associated with the conduct process, a witness, complainant/victim, or respondent prior to, throughout, or after a student conduct proceeding;
- influencing or attempting to influence another person to commit an abuse of the campus conduct system;
- verbal or physical intimidation, and/or retaliation of any party to the student conduct proceeding prior to, during, and/or afterward;
  - Students found engaged in retaliatory behavior may be subject to emergency interim dismissal, disciplinary suspension, or permanent expulsion.
- committing a violation of University rules while serving on a conduct probation or failing to meet deadlines imposed in accordance with University rules; or,
- failure to abide by the terms of University administered sanctions.

##### 5.4.2. Accessory to Prohibited Conduct (Formerly Collusion). Acting as an accessory to any illegal activity and/or conduct that is deemed a violation of University policy.

##### 5.4.3. Alcohol. Alcohol use, possession, distribution (except as expressly authorized by University regulations), dispensing, sale, or manufacturing is prohibited on University premises and at University sponsored events. In addition, use, possession, or distribution of alcohol beverages while driving or riding in or on a vehicle on University premises is prohibited.

- Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
- Individuals may not be in a state of public intoxication or drunkenness on campus or property owned, occupied, or leased by the University or in University facilities.
- Individuals may not operate a motor vehicle or any form of transportation while intoxicated or while under the influence of alcohol. Driving while under the noticeable effect of alcohol is prohibited.

##### 5.4.4. Drugs/Drug Paraphernalia. The act of using, possessing, being under the influence of, manufacturing, or distributing illicit drugs or illicitly obtained/possessed controlled substances is prohibited.

- Abusing legally obtained drugs by failing to take the drugs 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 and/or prescribed substances and/or drug paraphernalia and/or dangerous drug is also prohibited.

- Individuals may not operate a motor vehicle or other form of transportation while under the noticeable influence of drugs or while intoxicated.
- Synthetic drugs that mimic the effects of illicit drugs are also prohibited.
- Drug paraphernalia, including but not limited to, bong, vaporizers, vape-pens, etc. are not permitted on campus.

#### 5.4.5. Disorderly Conduct

5.4.5.1. The university supports the principle of freedom of expression for both instructors and students. The university respects the rights of instructors to teach and students to learn. Maintenance of these rights requires conditions that do not impede their exercise. An individual engaging in disorderly conduct may be subject to disciplinary action. Such activities may include, but are not limited to:

- Leading others to disrupt scheduled and/or normal activities on University premises.
- Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional programs.
- Any behavior in class or out of class, which for any reason interferes with the class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.
- Activity or conduct that violates the Texas A&M University-Central Texas Rules on Freedom of Expressive Activity (See Appendix A).

5.4.5.2. Disorderly conduct is public behavior that is disruptive, lewd, or indecent; breach of peace; or aiding, or procuring another person to breach the peace on University premises or at functions sponsored by the University or participated in by members of the University community.

5.4.6. Dishonesty. Acts of dishonesty including, but not limited to, the following:

- The intentional making of a knowingly false report of a bomb, fire, or other emergency on University premises or university-related premises by any means of activating a fire alarm or in any other manner.
- Withholding material information from the University, misrepresenting the truth during a University investigation or student conduct conference, and/or making false statements to any University officials, faculty member, or law enforcement officers in the course of their duties.
- Submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.
- Forgery, alteration, possession, or misuse of any University documents, forms, records, or instruments of identification

5.4.6.1. Unauthorized recording. Any unauthorized use of electronic or other devices to make an audio, video, still frame or photographic record of any persons without their prior knowledge, or without their effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress. This includes, but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom or recording administrative meetings with University officials. If a recording is made that captures a violation of the Student Rules or law, the Student Conduct Administrator may elect not to enforce this section of the student rules against the student making the recording.

5.4.7. Harassment. Harassment is a form of discrimination. Behavior that is severe, persistent, or pervasive to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic.

5.4.7.1. Sex-based Harassment (Sexual Harassment). Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature constitutes sexual harassment when this conduct is severe, persistent, or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile environment. Unwelcome means that an individual did not request or invite it and a reasonable person similarly situated would consider the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual abuse, sexual exploitation, stalking, dating

violence, and domestic violence when based on sex. The University will use a reasonable person standard to determine these elements.

Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where:

- Submission to, or toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's education (including co-curricular activities) or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic, co-curricular, or employment decisions affecting the individual's welfare; or
- Such conduct that has the purpose or effect of unreasonably interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education (including co-curricular activities) or work environment. Sexual harassment also includes sexual misconduct.

5.4.7.2. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress.

For the purposes of this rule:

- Course of conduct means two or more acts, including, but not limited to, acts in which the individual 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 a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is explicitly prohibited under this student rule. Aiding another in the commission of stalking is also prohibited under this student rule. Stalking based on sex is a form of sexual harassment or sex-based misconduct.

5.4.8. Physical Abuse. Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another person when the person knows or should reasonably believe the other will regard the contact as offensive or provocative. It shall not be a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, physical abuse.

The physical abuse rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate cocurricular program or a legitimate military training program as defined and approved by the University.

5.4.8.1. Domestic abuse/violence.

5.4.8.2. Dating abuse/violence.

5.4.8.3. Hazing. Any acts directed against a student by another student or by a group of students will be considered hazing if the intent or effect of such acts would intimidate the student or subject the student to indignity or humiliation. Examples of prohibited behavior includes, but is not limited to:

- Any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, and/or;
- Assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment, and/or;
- Engaging in conduct which tends to bring the reputation of the organization, or University, into disrepute for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as any part of any activity of a recognized student organization or student group, and/or;

- Misuse of authority by virtue of one's class rank or leadership position,
- Striking another student by hand or with any instrument,
- Any form of physical bondage of a student,
- Taking of one or more students to an outlying area and dropping them off,
- Causing a student to violate the law or a University rule such as indecent exposure, trespassing, violation of visitation, etc.

Voluntary submission to hazing is prohibited.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Office of Student Conduct and/or University Police Department, will not be charged with a violation of the hazing rule.

Hazing is a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 and/or Appendix B of these Student Rules.

#### 5.4.9. Sexual Misconduct

5.4.9.1. Sexual abuse. Sexual abuse is the oral, anal, or vaginal penetration by a sexual organ of another, use of another's sexual organ for oral, anal, or vaginal penetration, or anal/vaginal penetration by any means against the victim's will or without the victim's consent (see "consent" in definitions). An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

5.4.9.2. Sexual assault. An offense that meets the definition of rape, fondling, incest or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. Sexual assault is explicitly prohibited. Aiding another in the commission of sexual assault is also prohibited. Sexual assault is a form of sexual harassment or sex-based misconduct. These offenses are defined as:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

5.4.9.3. Sexual contact. Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person's consent (see "consent" in definitions), or in circumstances where the person is physically, mentally or legally unable to give consent.

5.4.9.4. Sexual exploitation. Taking non-consensual or abusive advantage of another individual that is sexual in nature for one's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person.

Examples of such behavior include, but are not limited to:

- Soliciting sexual contact with an individual in person or online who is or represents his or herself to be under the age of 14, or under the age of 17 and more than 3 years younger than the soliciting party;
- Knowingly possessing, creating, distributing, and/or viewing material which includes sexual images of one or more individuals under the age of 18;
- Engaging in voyeurism;
- Prostituting another person;

- Exposing an individual's anus or any part of an individual's genitalia in a manner that is reckless about whether another individual is present who will be offended or alarmed;
- Permitting third parties to observe sexual activity without the knowledge of and/or consent of any party involved in the sexual activity;
- Electronically recording or transmitting images or sounds of another person or persons engaging in sexual activity without knowledge and consent;
- Knowingly putting another person at risk and/or knowingly transmitting a sexually transmitted infection to another person or persons without their knowledge.

5.4.9.5. Stalking based on sex is a form of sexual harassment or sex-based misconduct. Stalking is explicitly prohibited under this student rule. Aiding another in the commission of stalking is also prohibited under this student rule.

5.4.10. Theft. Unauthorized acquisition or possession of items/services that belong to another person or entity. This includes knowingly possessing such stolen property. This also includes theft of services and/or misuse of another's property including, but not limited to, unauthorized use of another's property and use of a forged parking permit.

5.4.11. Vandalism. Behavior that intentionally or knowingly destroys, damages, or litters any property of the University, of a University community member, of another institution, or of another person, on or off campus is prohibited.

5.4.12. Failure to Comply. Attendance at a public Texas post-secondary institution is voluntary and the University requires compliance with its policies and procedures and the lawful directions of law enforcement officers and/or University officials, including the request to identify oneself, in the course of their duties. Students must also comply with the action plans issued through the student conduct process.

5.4.13. Breaching Safety or Security. Includes the following, but is not limited to:

- unauthorized access to University facilities;
- unauthorized entry to or use of University premises;
- intentionally damaging door locks;
- unauthorized possession of University keys or access cards;
- duplicating University keys or access cards;
- propping open of exterior campus building doors;
- tampering with fire safety equipment such as fire extinguishers, fire department valves, smoke detectors, alarm pull stations, gas detectors, or emergency exits; unauthorized entry into another person's or entity's residence, vehicle, or business;
  - In addition to university conduct processes, the student may be subject to criminal prosecution.
- Attempting to set, setting, or adding to unauthorized fires on property owned, occupied, or leased by the University;
- tampering with Automated Electronic Defibrillators (AEDs), trauma/first aid kits, stairwell evacuation chairs; and,
- use or possession of candles, incense burners, oil lamps, and similar items with an open flame are not permitted.

5.4.14. Smoking is restricted to designated areas at least 50 feet away from entryways. The use of tobacco, smokeless tobacco products, electronic cigarettes (e-cigs) is not permitted. The use of water vapor devices is not permitted.

5.4.15. Weapons & Explosives. Illegal or unauthorized use, possession of fireworks, explosives, explosive devices, dangerous chemicals, other weapons, or dangerous instruments is prohibited on University premises or at any University-sponsored activity. The illegal or unauthorized use, possession, or storage of any weapon. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Examples of weapons may include, but are not limited to:

- firearms;
- pellet guns;
- tasers;
- stun guns;
- slingshots;

- martial arts devices;
- switchblade knives; and,
- clubs.

5.4.15.1. In accordance with Texas statutes, there are no restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person who lawfully possesses such firearm or ammunition.

5.4.15.2. This rule does not prohibit pepper spray or mace as a person safety device for defensive purposes only.

5.4.15.3. In accordance with Texas S.B. 11, students who lawfully acquired a State of Texas (or other state with a reciprocal relationship with Texas) concealed handgun license may have their handgun concealed on their person in all areas of campus unless otherwise indicated by posted University signs.

5.4.16. Information Technology. 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 university provided account; breach of computer security, harmful access or invasion of privacy. Misuse and/or other abuse of computer facilities and resources including, but not limited to:

- Use of another individual's identification and/or password.
- Use of computing facilities and resources to send obscene or threatening messages.
- Use of computing facilities and resources in violation of copyright laws.
- Accessing, transmitting, or copying programs, curriculum, records, data, or other electronic information belonging to the University or another user without authorization
- Attempting to breach the security of another user's account or attempting to deprive another user of access to the University's computing resources
- Attempting to delete, destroy or modify programs curriculum, records, data, or other electronic information belonging to the University or another user

5.4.17. Violations of federal, state or local laws on University premises, at University-sponsored or University-supervised activities, or elsewhere, including off-campus locations, if such conduct adversely affects the University community is a violation of University policy.

## 5.5. Amnesty in Reporting Violations.

The university encourages students to refer sexual misconduct and seeks to remove barriers preventing individuals from sharing information. Students who were under the influence of alcohol and/or drugs at the time of the incident may experience hesitation in making a report because of potential consequences for their own conduct. Students who share sexual misconduct information with the university, as a complainant or witness, will not be subject to disciplinary action for their use of alcohol and/or drugs at or near the time of the incident. The Office of Student Conduct may still engage the student in an educational conversation.

The University will not take any disciplinary action against an enrolled student who in good faith reports being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the Code of Student Conduct occurring at or near the time of the incident and reasonably related to the incident. This does not apply to a student who reports their own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

The university encourages students to report concerns and complaints related to hazing and hazing behavior. Any person reporting to the Office of Student Conduct a specific hazing incident involving a student is immune from liability, civil or criminal, for that incident, that might otherwise be incurred or imposed as a result of the report.

Any person reporting in bad faith or with malice is not protected by this Amnesty rule.

## 6. Student Conduct Proceedings

### 6.1. Authority for Investigation of Reported Student or Organizational Misconduct

The University Conduct Officer or designee shall investigate reported student or organizational misconduct. The investigator will discover and examine the facts of an allegation, report the evidence collected during the investigation, as well as issuing appropriate determinations of credibility of witnesses and evidence.

- 6.2. Students are required to take part in university student conduct processes and appear as reasonably requested. Attendance at a meeting, conference, hearing, etc. may be in person or may be conducted through remote means, provided all parties and the conduct administrator or hearing panel can see and hear one another in real time during the course of the hearing.
- 6.2.1. In cases involving sex-based misconduct, if any party is absent, the hearing administrator shall not rely on previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told the individual.
- 6.3. Standard Level of Proof. The standard level of proof for all alleged violations of the Code of Student Conduct shall be "Preponderance of the Evidence." Preponderance of the evidence shall refer to that which is more likely than not to be true, based on the totality of the available evidence.
- 6.4. Presumption of Responsibility. In all investigations and in any hearing, a presumption will exist that a respondent is not responsible for the allegations until a determination is made at the conclusion of an adjudicatory process.
- 6.5. Violations of Law and University Discipline
- 6.5.1. The Office of Student Conduct shall ensure student conduct conferences comply with A&M System policies and state and federal law. Respondents have the right to know the allegations with which they are charged and to respond to those charges. Respondents have the right to review all information provided in the conference.
- 6.5.2. The focus of inquiry in student conduct proceedings shall be the determination of whether a violation of University rules occurred. Student conduct proceedings shall be informal in nature and need not comply with the formal processes associated with the criminal and civil courts, nor shall deviations from prescribed process necessarily invalidate a decision or proceeding unless significant prejudice to the student or University may result.
- 6.5.3. Students may be charged with conduct that potentially violates both the criminal law and this Code of Student Conduct (that is, if both possible violations result from the same factual situation) without regard to pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Affairs or designee.
- 6.5.4. Determinations made or sanctions imposed under this Code of Student Conduct shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- 6.5.5. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of that individual's status as a student. If the alleged offense is also being processed under the Code of Student Conduct, the University may advise off-campus authorities of the existence of the Code of Student Conduct and of how matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus.
- 6.6. Notification of Alleged Misconduct
- 6.6.1. All charges of alleged misconduct shall be presented to the respondent in written form through the student's University provided email account. It is the responsibility of the student to regularly access and review their university email.

In cases involving sex-based misconduct, the Office of Student Conduct will send notifications of alleged misconduct within three university business days of receipt of the investigative report and no more than five university business days after receipt of the investigative report.

- 6.6.2. All initial notifications regarding student conduct conferences and complaint conferences will provide written notification to the complainant(s) and the respondent(s) of: (1) receipt of the complaint stating the allegation of a violation of this regulation with sufficient details known at the time; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim supportive measures, if any; (5) admonishments regarding cooperation and prohibiting retaliation, (6) any informal resolution process that may be available, and (7) other necessary instructions.

6.6.2.1. Sufficient details for notification include: identities of the parties involved and date and location of the alleged incident (if known).

6.6.3. Students will be informed they may have an advisor of their choice who may be, but is not required to be, an attorney, and that they may inspect and review evidence. For more, see Support Persons & Advisors in the Student Conduct Process (Section 9.2).

6.6.4. Students will be informed they are prohibited from knowingly making false statements or knowingly submitting false information during the student conduct or complaint processes.

6.7. Notification of Additional Alleged Misconduct. Students will be supplied with notice of additional allegations that arise after the initial notification of charges arising from the same investigation.

6.8. Notification to Appear. All notifications requiring student appearance will include the following:

- Date of the conference
- Time of the conference
- Location of the conference
- Participants in the conference
- A statement indicating the Office of Student Conduct operates from a standpoint that all students are considered not responsible for alleged misconduct until otherwise established.

6.9. Pre-Conference Interview

6.9.1. Complainant and respondent parties will be provided a pre-conference interview to review the student conduct process as well as to explore any available options for informal resolution of the complaint or allegations. In sex-based complaints, the parties will be provided at least ten (10) business days to review the final investigative report and to respond in writing prior to the hearing.

6.9.2. The pre-conference interview may serve as a resolution option identified as Administrative Disposition in Section 6.10.1.4.

6.10. Resolution Options

Students will be provided with two avenues for resolution of allegations of misconduct: Informal Resolution and Administrative Conferences and Formal Student Conduct Conferences.

6.10.1. Informal Resolution and Administrative Conference

Administrative Conferences and Informal Processes apply to situations in which the respondent does not dispute the allegations and accepts responsibility for the behavior at issue. If a violation of the Code is confirmed, the respondent will be found responsible and an outcome/sanction action plan will be assigned.

This informal process is a voluntary process. No party will be compelled to participate in the informal resolution process.

Regardless of the method of resolution or the outcome, students may at any time file a complaint with any local, state or federal civil rights office, including the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, and/or the U.S. Department of Education's Office for Civil Rights.

6.10.1.1. Informal Resolution and Sex-Based Misconduct. The voluntary, written consent of both parties is required to move forward in the informal process. This resolution process is not available in sex-based complaints unless a formal complaint is filed.

6.10.1.2. Prior to the informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.

6.10.1.3. Once a party agrees to participate in informal resolution, they may withdraw from the informal process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.

Once a final agreement is established through the informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.

6.10.1.4. Informal Resolution Options Available:

- Mediation
  - Not available for complaints involving rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- Restorative Conferences
- Administrative Disposition
- Facilitated Dialogue

6.10.1.5. If the complainant, respondent, and the University agree on both the findings associated with the allegations and the sanctions to be imposed, the designated student conduct administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are done so in compliance with the sanctioning requirements described in section ???. The pre-hearing conference may serve as the administrative disposition.

If a formal complaint is not resolved through an informal process or if either the complainant or respondent requests a hearing, a formal live hearing will be conducted by the student conduct administrator or appropriate hearing body.

6.10.2. Formal Student Conduct Conference. Live student conduct conferences held in front of the Student Conduct Panel and typically apply to situations in which the respondent does dispute facts upon which the allegations of misconduct are based, or the respondent does not waive a formal conference.

6.10.2.1. In cases involving sex-based misconduct, all student members will be recused and a faculty representative of the panel will serve as the Chairperson.

6.10.2.2. Unless waived by the respective parties, following the pre-hearing conference the parties are given a five (5) university business days' notice of any formal hearing.

6.10.2.3. The notice of upcoming formal processes will include the following:

- date;
- time;
- location of the conference; and,
- any instructions for those participating in the conference through online means.

6.10.2.4. All formal conferences are closed to the public.

6.10.2.5. All formal conferences will be audio recorded and transcribed.

All recordings and transcriptions will be available to all parties for inspection and review. Physical access to the recording and/or transcript will be provided upon request for the purpose of preparing an appeal following the hearing. A student must submit the records request to the Office of Student Conduct who will respond in a timely manner.

6.10.2.6. Advisors in the Formal Student Conduct Conference. Formal student conduct conferences require both the complainant and respondent have an advisor present. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

6.10.2.6.1. All rules on advisors will apply equally to all respondent and complainant parties

6.10.2.6.2. Advisors may not answer on behalf of the respective party.

6.10.2.6.3. Advisors who fail to adhere to established rules may be dismissed from the process at the discretion of the conduct administrator or hearing panel.

6.10.2.6.3.1. Advisors will be reminded of all rules and expectations as the hearing or conference begins.

6.10.2.6.3.2. Advisors will receive at least one (1) warning after the initial reminder to adhere to expectations.

6.10.2.6.4. Training requirements of advisors are available upon request.

6.10.2.7. Cross-examination. Cross-examination of the complainant, respondent, and any witness may not be conducted by the opposing party but must be conducted by their advisor.

6.10.2.7.1. Questions are to be directed to the Chairperson, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker(s) must explain the decision to exclude it. When parties are being subjected to cross examination, the advisor may not answer on behalf of the respective party.

6.10.2.7.1.1. Statements by the complainant, respondent, or witnesses may not be utilized in making determination of responsibility if the respective party will not submit to cross-examination at a live hearing.

6.10.2.7.1.2. Inferences regarding responsibility for alleged misconduct shall not be drawn based solely based upon a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

6.10.2.7.2. In sex-based misconduct, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

6.11. Student Conduct Panel. The Dean of Student Affairs or designee shall determine the composition of the Student Conduct Panel(s) and determine which hearing body shall be authorized to hear each matter.

6.11.1. Composition. The Student Conduct Panel is composed of 5 A&M-Central Texas community members (1-2 faculty, 1-2 staff, and 3 students).

6.11.2. The Associate Dean of Student Affairs shall maintain a pool of trained faculty, staff, and students

6.11.3. Student Representation

- One (1) student representative shall serve as the Chairperson for each conference.
- Two (2) student representatives shall serve as panel members.

For sex-based misconduct complaint provisions, see Section 8.5.

6.11.4. Faculty & Staff Representation

- One to two (1-2) from each category shall serve as panel members.

For sex-based misconduct complaint provisions, see Section 8.5.

6.11.5. Sex-based Misconduct Complaints

6.11.5.1. Student panelists shall be recused for all sex-based misconduct complaints.

6.11.5.2. One (1) faculty/staff representative shall serve as the Chairperson.

6.11.6. Decision-Making

6.11.6.1. Deliberation shall be done in private and without any party present.

6.11.6.2. Deliberations shall not be recorded or transcribed.

6.11.6.3. All panelists shall be voting members

6.11.6.3.1. Votes of individual panel members shall not be recorded

6.11.6.4. The Chairperson shall be tasked with composing a decision letter that shall consist of the following:

- The identification of the allegations;
- A description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if any;
- Findings of fact supporting the determination;
- Conclusion regarding the application of the Code of Student Conduct standards to the facts at hand;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the member imposes on the respondent, and whether remedies designed to restore or preserve equal access to all University activities will be provided by the University to the complainant, and;
- A&M-Central Texas' procedures and permissible bases for complainants and respondents to exercise equal right to appeal.

7. Appellate Processes & Procedures, Requests for Reconsideration

7.1. An appeal is not intended to afford a full rehearing of the case being appealed. The appeal must be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal.

7.2. Appeals must be made on the following grounds, as applicable:

- a procedural irregularity that affected the outcome;
- new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the appropriate documentation available from the Office of Student Conduct website;
- the hearing body had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome;
- the appropriateness or severity of the sanctions.

7.3. The appellate authority for Administrative Dispositions shall be the Student Conduct Panel.

7.4. The appellate authority for cases in front of the Student Conduct Panel shall be the Assistant Vice President and Dean of Student Affairs.

7.5. Appeals must be submitted to the Office of Student Conduct within five (5) university business days of the official notification.

7.5.1. In appeals of cases involving sex-based misconduct, the University shall notify the opposite party and will implement appellate procedures equitably for both parties.

7.5.2. Parties will be given three (3) business days to review the appeal and submit any written response in support of, or challenging, the outcome to the appropriate appellate authority.

7.6. Students are not entitled to a new investigation or a full re-hearing of the complaint. The appellate process carries a presumption that original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.

7.7. The appropriate appellate authority shall have ten (10) business days to reach the decision and provide said decision to the complainant(s), respondent(s), and hearing/investigative authority.

7.8. The appellate authority may reach one of the following outcomes:

- affirm the original finding and sanction;
- affirm the finding and modify the sanction; or
- remand the case to a new hearing or review.

## 8. Action Plans in the Student Conduct Process

8.1. The Student Conduct Process at A&M University-Central Texas is an internal administrative process where learning and education are centerpieces.

8.2. Students shall receive the outcome of the student conduct conference within three (3) university business days. Notification of the outcome shall include:

- identification of the allegations;
- a description of the procedural steps taken from receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if any;
- findings of fact supporting the determination;
- conclusion regarding the application of the Code of Student Conduct;
- a statement of rationale for the result of each allegation to include a finding regarding responsibility, any sanctions imposed upon the respondent, and whether any remedies designed to restore or preserve equal access to the educational program, and;
- the approved A&M University-Central Texas grounds for appeal.

8.3. All action plans developed for students will consist of action and passive sanctions.

8.4. Only students found responsible for violating university rules shall receive a final action plan through the student conduct process.

8.5. Active Sanctions. Sanctions designed to engage the student in some reflective practice. Active sanctions may include, but are not limited to:

- Educational Requirements: A provision to complete a specific educational requirement. Such requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, healthy relationships, anger and/or conflict management, essays, reports, reflective writing assignments, etc.
  - A reflective writing assignment shall be required of all students found responsible
- Community/University Service: A student may be offered an opportunity to complete a specified number of hours of community/university service.
- Restitution: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any other sanction(s).

- Campus Restrictions: The withdrawal of specific privileges for a definite period of time, but without the additional stipulation contained in the imposition of a sanction which results in a student's status as "not in good standing." The restrictions involved will be clearly defined.
- Conduct Review: An official warning that the student's conduct is in violation of the Code of Student Conduct, but is not sufficiently serious to warrant expulsion, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the University.
- Mutual No Contact Orders/Restrictions. A directive for the designated students to have no communication with one another, directly or through third-parties. These orders will apply to all designated students equally.

8.6. Passive Sanctions. Sanctions designating a status and not requiring additional action by the student include, but are not limited to:

- Letter of Reprimand (Warning): A letter that make a matter of record any incident that reflects unfavorably on the student or the University.
- Conduct Probation: An official warning that the student's conduct is in violation of The Code, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation is deemed "not in good standing" with the University. If there is a finding of responsibility for subsequent violations during this time, more severe sanctions may be administered.
- Letter of Enrollment Block: A letter stating the student may not reenter TAMUCT without prior approval through the Office of the Dean of Student Affairs if enrollment has been blocked for a previous student conduct issue or for medical reasons.
- Disciplinary Suspension: Disciplinary separation of the student from the University for a definitive period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. The following provisions apply to disciplinary suspension.
  - The suspension shall take effect when the appeal for the offense is exhausted, waived, or the time limit has passed. Sanctions may be implemented in one of two ways: immediate implementation or deferred implementation.
  - The sanction of suspension may be placed in deferred status. If the student is found in violation of any University rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation may also be applied.
  - A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the University.
- Expulsion: Permanent separation of the student from the University whereby the student is not eligible for readmission to this University.

8.7. Minimum Sanctions in Action Plans

8.7.1. Students found responsible for engaging in dating or domestic violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors.

8.7.2. Students found responsible for dating or domestic violence and/or non-consensual sexual penetration of another person and who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion.

8.7.3. Students found responsible for sexual harassment, sexual assault, dating violence, domestic violence, stalking based on sex, and/or any other sex-based misconduct who are allowed to return to A&M-Central Texas after a suspension of one (1) year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including athletic or other competitions), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.

9. Student Conduct Process Provisions

9.1. Cases in Absentia. For cases in which a reasonable effort was made to notify the respondent(s) of the complaint and of the time and place of the conference, the University may conduct a conference at which the respondent is not present. The University Conduct Office or designee will consider the information provided, weigh the facts, and render an appropriate decision. The University Conduct Officer or designee may accommodate concerns for

the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the conference.

- 9.2. Support Persons & Advisors in the Student Conduct Process. Students shall have the right to have an advisor present at all meetings, conferences, hearings, etc. in the Student Conduct Process. Formal student conduct conferences require both the complainant and respondent have an advisor present in all settings. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.
  - 9.2.1.1.1. All rules on advisors will apply equally to all parties
  - 9.2.1.1.2. Advisors may not answer on behalf of the respective party.
  - 9.2.1.1.3. Advisors who fail to adhere to established rules may be dismissed from the process at the discretion of the conduct administrator or hearing panel.
  - 9.2.1.1.4. The advisor must not be a witness, otherwise similarly charged, or in any other way a party to the same fact pattern as the requesting party.
  - 9.2.1.1.5. Advisors may not be verbally abusive, disruptive to the process, or persist in trying to inappropriately participate,
- 9.3. In sex-based misconduct, or retaliation for a report of sex-based misconduct, the complainant student shall have the opportunity to submit an impact statement detailing the alleged consequences suffered by the complainant.
- 9.4. No party in the student conduct process is restricted from discussing the allegations or gather and present evidence.
- 9.5. Supportive Measures in the Student Conduct Process. The University provides for supportive measures equally for both complainants and respondents. The University may allow, but is not limited to the following:
  - Course changes. In cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to drop the course without any academic penalty.
  - Mutual No Contact Orders/Restrictions. A directive for the designated students to have no communication with one another, directly or through third-parties. These orders will apply to all designated students equally.

Failure to comply with the terms of supportive measures, such as a mutual no contact restriction, is an additional violation of this Code of Student Conduct and may be addressed separately.

- 9.6. Inclusion of Witnesses & Witness Statements. Complainant and respondent parties shall have equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- 9.7. Interim Suspension and Interim Protective Measures
  - 9.7.1. Interim Suspension. At any point in the process, a respondent may be subjected to removal from an A&M-Central Texas educational program or activity on an emergency basis.

A student may not be expelled or suspended prior to a student conduct proceeding except when the Dean of Student Affairs or Associate Dean of Student Affairs believes an interim suspension should be imposed because the respondent student's presence on campus: poses a continuing and immediate danger to the physical health or safety of any student or other individual; presents a threat of disrupting the academic process; or, when required to ensure the student's own physical or emotional well-being. The respondent student must be provided notice and opportunity to challenge the decision for removal. The notification shall comport with notification requirements of the student conduct process.

During interim suspension, a student may be denied access to campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible.

Upon being removed, students are granted the opportunity to appeal the removal through a live hearing within five (5) university business days to review whether or not the removal should end or be sustained. The outcome of the emergency dismissal/interim suspension appeal is final.

- 9.7.2. Interim disciplinary action shall be considered in all allegations of sex-based misconduct, retaliation for involvement in student conduct proceedings, and allegations involving interpersonal violence.
- 9.7.3. Interim restrictions may be imposed (1) when a student has been placed on interim suspension; (2) when a determination is made to implement a transcript hold under TAMUCT Policy 11.99.02; and/or (3) in instances when the student's participation or representation would threaten or negatively impact other students who are participating and/or representing an organization or the university. When interim restrictions are imposed, a student will be notified in writing of the specifics of the restrictions and why the restrictions are being

implemented. Restrictions will remain in place through a designated time period and/or, in not indicated, until the student is notified the restriction has ended.

9.8. The Office of Student Conduct shall make available its sanctioning guidelines upon request.

9.9. Training of Hearing Officers, Hearing Panel Members, Student Conduct Administrators

9.9.1. The Office of Student Conduct is committed to upholding a fair and equitable student conduct process that is trauma-informed and guided by an understanding of due process and applicable civil rights laws. Specifically, all individuals involved in the process will annually receive training in the following:

- applicable federal and state laws, as well as federal regulations and guidance;
- System Regulation 08.01.01 and appropriate Texas A&M University-Central Texas rules;
- reporting, review and gate-keeping, supportive measures, investigations, adjudication, appellate, and informal resolution processes specific to this process;
- the elements of due process in System and A&M-Central Texas grievance processes;
- the role of the adjudicator, panel chairperson, and/or panel advisor;
- the role of the party advisor in the adjudicatory process;
- questioning and listening skills, and how to conduct a cross-examination;
- the different types of evidence, how to value and weigh evidence, and how to assess credibility;
- how issues such as trauma, alcohol and drugs, and consent must be considered in their adjudicatory work;
- how to determine if substantiated allegations violate System Regulation 08.01.01 or member rules;
- how to sanction misconduct, and;
- how the appellate process works

9.9.2. Informal Resolution Practitioners. Individuals in this process are charged with completing a minimum of forty (40) hours of initial conflict resolution training and twenty (20) supplemental hours of training annually.

9.9.3. All training materials used to train professionals and advisors must be published to the Office of Student Conduct's webpage and Canvas page.

9.10. Timeframes in the student conduct process may be extended for good cause with written notice to the complainant and respondent of the delay and/or extension and the reasons therefor.

## 10. Student Conduct Files and Associated Records

The file(s) of a student found to have violated University rules shall be retained as a student conduct record for no less than five (5) years from the date of the student's graduation or date of last registration. Student conduct records may be retained for as long as administratively valuable. The records may be retained permanently if the respondent student is expelled, suspended, or blocked from reenrollment and/or in situations that may result in future litigation.

Student conduct files and associated records are maintained and controlled by the Office of Student Conduct. In order to protect the privacy of these records and reduce opportunities for harassment and/or retaliation, the office maintains strict policies about the review and duplication of these files. While students have the opportunity to review their record, students will not be provided a copy of their student conduct file or record. Students may receive a copy of their file, at the discretion of the University Conduct Officer, if there is no reasonable alternative for that student to review the file for their participation in the student conduct proceeding. Files shall not be provided to a student's support person or advisor for review without the present and authorization of the respective student. Individuals may not remove any records, make any copies of records, or photograph any records located in, or associated with, a student conduct file or record without the explicit permission of the Office of Student Conduct.

### 10.1. Expunging Student Conduct Records

Student conduct records may be expunged for good cause by the University Conduct Officer and/or designee upon receive of a written request by the respondent student. A student conduct record with an expulsion, suspension, an unresolved case, or any open sanction will not be eligible for expungement. Factors to be considered in review of such petitions include, but are not limited to:

- the student's level of understanding of their behavior and its impact;
- the conduct of the student subsequent to the violation;
- the present demeanor of the requestor; and,
- the nature of the violation and the severity of any damage, injury or harm resulting from it.

## 11. Returning to Campus Following Disciplinary Suspension

- 11.1. Registration holds are placed on the records of students placed on suspension.
- 11.2. Students required to withdraw from the university as a result of a conduct conference, and who desire to be reinstated must request permission for readmission from the Office of Student Conduct at least three (3) weeks prior to the first day of the semester or summer session in which registration is requested.
  - 11.2.1. Evidence supporting the student's ability to function within established expectations in a university environment may be required. The Office of Student Conduct may deny a request for readmission if there is sufficient evidence the respondent's conduct during the suspension would have warranted disciplinary action or if the respondent failed to complete tasks imposed in the student conduct process.
  - 11.2.2. If readmission is denied, the Office of Student Conduct will set a new date at which another request for readmission may be made.
  - 11.2.3. Students may request a review or reconsideration of a readmission decision pursuant to all guidelines outlined in the appellate section of this Code.
  - 11.2.4. The Office of Student Conduct is only empowered to recommend readmission to the University and has no ability to impact a respondent student's entry into university professional programs or similarly situated academic programs.
12. Transcript Notation. All students who are suspended, dismissed, or expelled shall have a notation placed upon their student record.
  - 12.1. The notation must include:
    - The nature of the separation (e.g., suspension, dismissal, or expulsion);
    - The type of infraction (e.g., academic or conduct);
    - The department responsible for issuing the student separation from the institution (e.g., Office of Student Conduct); and,
    - The effective dates of separation from the academic institution, if applicable.
  - 12.2. Transcripts of students with pending conduct investigations that could result in suspension, dismissal, or expulsion may be held until the conduct process is complete.
13. Administrative Response to Dangerous or Disruptive Behavior Which May Be Caused by Manifestations of a Serious Psychological Problem

The university is committed to the success of all students, including those with depression or other mental health conditions. The University recognizes students may experience medical/mental health situations significantly limiting their ability to function successfully or safely in their role as students. A&M University-Central Texas shall, through the Student Counseling Center, provide evaluation, referral, and appropriate treatment, within the available resources of the institution, for students manifesting serious psychological problems. If a member of the University community observes any behavior that is concerning, individuals may report the behavior to the Behavioral Intervention Team (<https://www.tamuct.edu/student-affairs/bat.html>) or other appropriate university resources including, but not limited to, the Student Counseling Center.

Students displaying dangerous or disruptive behavior which may be caused by manifestations of a serious psychological problem may be: 1) referred for an individual evaluation and/or 2) administratively withdrawn from the university; in some instances, this withdrawal may be involuntary. Voluntary or involuntary administrative withdrawals permit students to take a break from the University's rigorous academic environment.

Dangerous or disruptive behavior caused by manifestations of a serious psychological problem includes, but are not limited to:

- Instances where a student engages in, or threatens to engage in, inappropriate behavior which poses a danger of causing physical harm to self or others, or inappropriate behavior that demonstrates a student's inability to care for self, and/or
- Instances of inappropriate behavior, which would cause significant property damage, or would directly and substantially impede the lawful activities of others, or that substantially interferes with or impedes the educational experiences of others, or would interfere with the educational process and the orderly operation of the University, and/or
- Instances of inappropriate behavior that causes a chronic, inordinate use of university resources including, but not limited to, staff time, psychological services, medical services, and/or emergency services, thereby resulting in an undue burden to the University.

Office of Student Conduct  
Warrior Hall 105 | 1002 Leadership Place  
Killeen, TX 76549

## 08.99.99.D1 Expressive Activity on Campus

Approved: May 14, 2020

Next Scheduled Review: May 14, 2025



---

### Rule Summary

---

In 2019, the 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

---

### Definitions

---

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
2. **Campus** means all land and buildings owned or leased by the university.
3. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
4. **Employee** means an individual employed by the university.
5. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  8. **Person** means students, faculty, staff, student organizations, and third-parties.
  9. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
  10. **Staff** means an employee of the university that is not a faculty member.
  11. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
  12. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
  13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  14. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
- 

## Rule

---

### 1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

## 2. GRIEVANCE PROCEDURE

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the Office of Institutional Compliance.
- 2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty, staff and third-parties will be referred to the Office of Human Resources; (b) student will be referred to the Associate Dean of Student Affairs.

## 3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

## 4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

---

## **Related Statutes, Policies, or Requirements**

---

[Texas Education Code § 51.9315.](#)

---

## Contact Office

---

Office of Institutional Compliance  
254-519-5763

# Appendix B: Hazing

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 2. Chapter 4, Education Code, is amended by adding Subchapter B to read as follows:

## SUBCHAPTER B. HAZING

### Sec. 4.51. DEFINITIONS.

In this subchapter:

(1) "Educational institution" includes a public or private:

(A) high school; or

(B) college, university, or other postsecondary educational establishment.

(2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

(3) "Pledging" means any action or activity related to becoming a member of an organization.

(4) "Student" means any person who:

(A) is registered in or in attendance at an educational institution;

(B) has been accepted for admission at the educational institution where the hazing incident occurs; or

(C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club or service, social or similar group, whose members are primarily students at an educational institution.

(6) "Hazing" means any intentional, knowing or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students at an educational institution. The term includes but is not limited to:

(A) any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of 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, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) any activity involving consumption of a food, liquid, alcoholic beverages, liquor, drug or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student;

(D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection;

(E) any activity that induces, causes or requires the student to perform a duty or task which involves a violation of the Penal Code.

#### Sec. 4.52. PERSONAL HAZING OFFENSE.

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) intentionally, knowingly or recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.

(c) Any other offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.

(d) Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.

(e) Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two years, or both such fine and confinement.

(f) Except when an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on community service probationers by Subdivision (1), Subsection (e), and Subsections (c), (d), (g), and (h) of Section 10A, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

#### Sec. 4.53. ORGANIZATION HAZING OFFENSE.

(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, or if a court finds that the offense caused personal injury, property damage or other loss, the court may sentence the organization to pay a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of such injury, damage or loss.

#### Sec. 4.54. CONSENT NOT A DEFENSE.

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

#### Sec. 4.55. IMMUNITY FROM PROSECUTION AVAILABLE.

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from liability, civil or criminal, that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

Sec. 4.56. OFFENSES IN ADDITION TO OTHER PENAL PROVISIONS.

This subchapter does not affect or repeal any penal law of this state. Nothing in this subchapter shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

Sec. 4.57. REPORTING BY MEDICAL AUTHORITIES.

Treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials, and the doctor or medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Sec. 4.58. PUBLICATION OF SUBCHAPTER.

(a) Each postsecondary educational institution shall cause to be published or distributed to each student during the first three weeks of each semester a summary of the provisions of this subchapter.

(b) The institution shall publish or distribute in the same manner a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the previous three years.

(c) If the institution publishes a general catalogue, student handbook or similar publication, it shall publish a summary of the provisions of this subchapter in each edition of that catalogue, handbook or similar publication.

SECTION 3. Section 4.19, Education Code, is repealed.

SECTION 4. If any provision of this Act or its application to any person, entity or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5. This Act takes effect August 31, 1987, and applies only to the punishment for an offense committed under Subchapter B, Chapter 4, Education Code, on or after that date. An offense committed under Section 4.19, Education Code, before the effective date of the Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

# Appendix C: Excused Absences for Religious Holy Days

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. Chapter 51, Education Code, is amended to read as follows:

## SECTION 51.911. RELIGIOUS HOLY DAYS.

(a) In this section:

1. "Institution of higher education" has the meaning assigned by Subdivision (7) of Section 61.003 of this code, but includes the Southwest Collegiate Institute for the Deaf and Texas State Technical Institute.
2. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code.

(b) An institution of higher education shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

(c) A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.



---

**WE ARE  
WARRIORS.**