

2023-2024

# Student Rules



TEXAS A&M  
UNIVERSITY  
CENTRAL TEXAS™

# Texas A&M University-Central Texas Mission

Texas A&M University-Central Texas is a public, upper-level university offering baccalaureate and graduate degrees important to the region and the state. It is committed to high quality, rigorous, and innovative educational programs delivered in a variety of instructional modes to a diverse student population through exceptional teaching, service, and applied scholarship. With an emphasis on community engagement, the university employs emerging technology to enhance student learning and to nurture its partnerships with regional community colleges, the military presence in its region, and the community at large.

## Our Values

***Excellence and Achievement*** – We strive to continuously improve, innovate, and exceed expectations.

***Compassion*** – We care about the feelings of others. When others are suffering, we empathize and offer help.

***Integrity*** – We conduct ourselves in an ethical and respectful manner.

***Knowledge*** – We provide educational experiences to encourage lifelong learning and intellectual curiosity.



**Diversity** – We respect and value both differences and similarities in our students, coworkers, and other stakeholders.

**Initiative** – We encourage the involvement and the contribution of each employee. We create a workplace where every employee can share a sense of ownership.

**Collaboration** – We develop and maintain partnerships to serve the needs of our students, faculty, staff, and external stakeholders.

Welcome from the Student Conduct Office!

Welcome to the start of a new academic year! The start of a new academic year is an exciting time, with new and returning members of our community reconnecting as well as forming new friendships and exploring new opportunities for success. On behalf of the student conduct office, please accept our wishes for a great semester.

The standards of conduct outlined in the Code of Student Conduct and the Code of Academic Honesty were developed in consultation with students, faculty, administrators, and staff with specific consideration for the well-being, honor, and dignity of all who live, learn, and work in our educational community. Students and university student groups are expected to conduct themselves in a manner that demonstrates respect for the rights and property of others and upholds the integrity of the university community.

Enrollment at Texas A&M University-Central Texas is voluntary and is considered implicit acceptance of standards of conduct contained in the Code and other policies applicable to students, all of which are educational and administrative in nature and designed to help students understand expectations and accept responsibility for their own actions. The Code applies to conduct that occurs on university premises, at university activities and to conduct that may occur off campus that could adversely affect the university community, the pursuit of the university's educational mission or that could create a hostile environment for any member of our campus community.

The compilation of standards below is collectively noted as the Code of Student Conduct. Any member of our community may suggest a rule revision by visiting Student Conduct's home in Canvas.

Anyone can refer alleged violations of the Code of Student Conduct to the student conduct office. It is important that complaints regarding alleged misconduct are referred as soon as possible after the misconduct occurs.

We encourage you to visit student conduct's website where additional information and resources are available; including a detailed description of the student conduct process, statistics about our process, your rights and responsibilities as a student, and information on submitting documentation and reviewing your student records held by the office. You are also encouraged to visit our community in Canvas.

Please visit: [www.tamuct.edu/student-affairs/student-conduct.html](http://www.tamuct.edu/student-affairs/student-conduct.html)

Again, please accept our best wishes for a great year. If we can be of assistance to you, please do not hesitate to contact us.



**Student Conduct**  
**Texas A&M University-Central Texas**  
**studentconduct@tamuct.edu | 254.501.5909**  
**Student Affairs @ TAMUCT**

Welcome to the TAMUCT family!

The Division of Student Affairs strives to provide unparalleled learning experiences that compliment your academic interests within an engaging, inclusive, and supportive environment. Throughout your journey here, there are many support structures designed to enhance your academic experience and provide the support you need to thrive socially, academically, and professionally. I encourage you to become part of the university community through many special events, service-learning opportunities, student organizations, and health and wellness programs. We connect you to free online and face-to-face tutoring and writing support, programs and services for students with disabilities, testing services, and study abroad and international student programs. We can also help you develop professionally and refine various skills needed for that future career or internship.

Being part of the A&M - Central Texas family means you are now a part of a high quality, rigorous, and innovative community of lifelong learners. We hope you strive for excellence, compassion, integrity, knowledge, diversity, initiative, and collaboration while you are on our campus and long after as a contributing alumnus.

As a student, if you find yourself in need of support, please do not hesitate to contact our offices.

# GO WARRIORS!



## Academic Conduct Rules

### 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.

### Attendance

The university views class attendance as an individual student responsibility and is a crucial 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 meeting.

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.

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's 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, stepmother, stepfather, stepsister, stepbrother, 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 days (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 note from a 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 (3) business days (to include classes on Saturday);
- required participation in military duties;
- mandatory admission interviews for professional or graduate school which cannot be rescheduled.

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 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 one of the Deputy Title IX Coordinators.

## **Code of Academic Honesty**

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 Honesty shall also be considered a violation of the A&M University-Central Texas Code of Student Conduct.

### **1. Definitions of Academic Integrity**

- 1.1. 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.
- 1.2. Misconduct may occur when the student acts knowingly or should reasonably know the act is misconduct.

### **2. Definition of Academic Work**

- 2.1. 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.
- 2.2. All academic work at A&M University-Central Texas is expected to be submitted with integrity and uncompromising adherence to the standards described. Academic dishonest includes the commission of any of the following acts. This listing is not, however, exclusive of any other acts that may be reasonably be called academic dishonesty.

### **3. Academic Integrity Rules**

- 3.1. 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.
- 3.2. 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.
  - 3.3. 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.
  - 3.4. Falsification of Data, Records, and Official Documents. Altering or manufacturing information submitted for a grade, publication, admission (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.
  - 3.5. Accessory to Prohibited Conduct. 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. Students are encouraged to be supportive of one another; however, students are strongly discouraged from sharing work. Students who have knowledge of academic misconduct prior to or after its completion are expected to share that information with the instructor.
  - 3.6. Malicious Interference / Tampering with University Property. Stealing, changing destroying, gaining unauthorized access to, 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.
  - 3.7. 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.
  - 3.8. Reporting Academic Misconduct. Anyone in the university community may, and are encouraged to, report academic misconduct.
  - 3.9. Appellate Process
    - 3.9.1. Students who wish to request a reconsideration of the outcome of their academic misconduct 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 appeals procedure.

## **Student Life Rules**

### **4. Student Rights & Responsibilities**

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 always expected 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.

## **5. Basic Rules and Procedures Governing Student Life**

- 5.1. Texas A&M University-Central Texas' primary concern is the success and well-being of our students. The University attempts to provide a campus environment that is conducive to academic endeavor and personal and professional growth for all students.
- 5.2. 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 accepting the offer of admission and enrolling in Texas A&M University-Central Texas, the student accepts the responsibility to respect the rights of others, to comply with the University's authority, and to protect private and public property.
- 5.3. Every student has the right to all advantages, prestige, and honors available to a student at 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.
- 5.4. Students are responsible for complying with the rules for parking on campus set forth by the University Police Department and Department of Public Safety.
  - 5.4.1. Currently registered students may not park in designated visitor parking spaces.
- 5.5. Students are expected to be fully acquainted with all published standards of conduct, academic and behavioral, in the Code of Student Conduct. Students are responsible for obtaining all published materials and updates relating to this Code from the Student Conduct Office.
- 5.6. Minor children (under the age of 18 and not currently a registered student) 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.
- 5.7. Official University notices are published on the website, posted on another virtual platform, or sent to a student's MyCT email constitute due notice to all concerned. Students are expected to access and review their MyCT email regularly.
- 5.8. Student conduct rules as outlined in University Student Rules shall be administered by the Assistant Vice President and Dean of Student Affairs and/or designee.
  - 5.8.1. Disciplinary action will be administered by the Student Conduct Office.
  - 5.8.2. or other conduct bodies established with the advice and consent of the Assistant Vice President and Dean of Student Affairs.
- 5.9. Animals on Campus
  - 5.9.1. Except for 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.
  - 5.9.2. Animals will not be allowed to run at large on campus and must be leashed at all times.
  - 5.9.3. Animals shall not be left unattended or secured on university property.
- 5.10. Appointment of Students to University Committees  
In conjunction with the governing documents, the Student Government Association shall provide for the appointment of students to university committees.

## **6. Code of Student Conduct**



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 Student Conduct Office. The General Order on Judicial Standards or Procedural and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education (45 F.R.D. 133, 136, 142) (W.D. Mo 1968) (en banc) 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 respond to student behavior to ensure compliance with these higher obligations as a teaching 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.

#### 6.1. Definitions

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

- 6.1.1. The term “accused student,” “alleged,” or “respondent” shall mean any student charged with a violation of a student rule.
- 6.1.2. 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 who do not challenge the underlying facts of the allegation(s).
- 6.1.3. The term “chairperson” refers to a student conduct administrator who is authorized by the Assistant Vice President & 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.
- 6.1.4. The term “charge” means an allegation of a potential violation of the Student Rules. Charges are issued after a Student Conduct Administrator has determined, through an equitable investigation, sufficient information exists to hold a conference to determine whether a student (or students) has violated a rule(s).
- 6.1.5. 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. Retaliation may be present even when there is a decision of “unsubstantiated,” “insufficient information to substantiate,” and/or “not responsible” on the allegations.
  - 6.1.5.1. Retaliation does not include good faith actions lawfully pursued in response to a report.

- 6.1.5.2. Violations of an interim, remedial, or protective measure will be considered retaliation.
- 6.1.6. 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.
- 6.1.7. 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. Only information presented during the conference may be used to determine if there is a finding of responsibility.
- 6.1.8. The term “consent,” solely for the purposes of the Student Rule 6.4.19 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 activity.
  - Consent must remain clear, voluntary, and positive throughout the sexual activity.
  - Consent must be given for the current activity. The existence of a prior relationship or prior activity does not automatically ensure consent for current or future 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 below).
- 6.1.9. 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.
- 6.1.10. The term “incapacitation” means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, sleep, unconsciousness, and brownouts and blackouts (where an individual is awake but is not forming memories). Where alcohol or other drugs are involved, incapacitation is defined with respect to how the substance consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments.
- 6.1.11. The term “may” is used in the permissive sense.
- 6.1.12. The term “member of the University community” includes any person who is 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.
- 6.1.13. 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-Central Texas students including but not limited to academic, 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.
- 6.1.14. The term “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. A finding of “Not Responsible” shall not indicate the behavior did not take place.
- 6.1.15. The term “Responsible” shall refer to a finding of a Student Conduct Administrator the accused student(s) more likely than not violated the Code.
- 6.1.16. The term “sanction” or “outcome” include 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 list in Student Rule 9.

6.1.17. The term “shall” is used in the imperative sense.

6.1.18. The term “staff” means any person who is employed by the university and not defined as faculty.

6.1.19. The term “student” includes all persons who have accepted their offer of admission, and/or who are taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, post-graduate, or professional studies and how are either currently enrolled or were enrolled the previous semester and registered for a future semester. Persons who withdraw after allegedly violating the Code of Student Conduct, or who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students. Students who are also employees shall 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.

6.1.20. The term “Student Conduct Administrator” means a university official authorized by the Assistant Vice President and Dean of Student Affairs or designee to collect information, 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 of Student Conduct. The Assistant Vice President and Dean of Student Affairs or designee may authorize a Student Conduct Administrator to serve simultaneously as the sole member, or one of the members, of a Student Conduct Panel.

6.1.21. The term “Student Conduct Panel” means any person or persons authorized by the Assistant Vice President and Dean of Student Affairs or designee to determine whether a student has violated provisions of the Code of Student Conduct.

6.1.22. 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.

6.1.23. The term “university” or “institution” means Texas A&M University-Central Texas (A&M-Central Texas).

6.1.24. The term “University Official” means any person employed by the University, performing assigned administrative or professional responsibilities.

6.1.25. 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).

## 6.2. Student Conduct Authority

6.2.1. The Assistant Vice President & 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.

6.2.2. The Assistant Vice President & Dean of Student Affairs or designee shall determine the composition of student conduct panels and determine which student conduct panel, student conduct administrator, or appellate body shall be authorized to hear each matter.

6.2.3. 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.

## 6.3. Jurisdiction of The Code

The Code shall apply to student behavior that occurs on university premises, as part of a university sponsored event, or conduct that adversely affects the university community and/or the pursuit of its objectives or 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 or mission. Using the Assistant Vice President & Dean of Student Affairs’ discretion, the Assistant Vice President &



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.

6.3.1. The Code applies to all locations of the University, except those campuses and locations who write their own student conduct code (e.g., RELLIS campus).

#### 6.4. Rules and Regulations

Conduct standards at the university are set forth in writing 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.

6.4.1. 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 before a hearing body when proper notice is given;
- Failure to obey the notice from a Student Conduct Panel, Student Conduct Administrator, and/or University official to appear for a meeting or conference as part of an official University disciplinary process.
- 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 or interference with the orderly conduct of a student conduct proceeding, investigation, conference, or appeal process.
- 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.
- Intentionally initiating or causing to be initiated any false report.
- Attempting to discourage an individual's proper participation in, or use of, a student conduct, disciplinary, or legal process.
- Verbal or physical intimidation, and/or retaliation of any party to the student conduct proceeding prior to, during, and/or afterward.
- Committing a violation of university rules while serving on a conduct probation, conduct review, or deferred suspension status or failing to meet deadlines imposed in accordance with university rules.
- Failure to abide by the terms of university administered sanctions.

6.4.2. Accessory to Prohibited Conduct or Complicity. Acting as an accessory to any illegal activity and/or conduct that is deemed a violation of university policy shall be considered to the same extent as completed violations.

6.4.3. Alcohol. Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university regulations), is prohibited on university premises and at university sponsored events. In addition, use, possession, or distribution of alcoholic 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. Individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol (See Appendix H Alcohol Rules)

6.4.4. Drugs/Drug Paraphernalia. The act of using, possessing, being under the influence of, manufacturing, or distribution or being a party thereto of illicit drugs or illicitly obtained/possessed controlled substances and/or prescribed substances and/or drug paraphernalia and/or dangerous drug is prohibited. Individuals may not operate a motor vehicle or another form of transportation while under the influence of drugs or while intoxicated (See Appendix I

Drug Rules).

6.4.4.1. Synthetic drugs that mimic the effects of illicit drugs are also prohibited.

6.4.4.2. Drug paraphernalia, including but not limited to, bongs, vaporizers, vape-pens, etc. are not permitted on campus.

- 6.4.5. Disorderly Conduct. The university supports the principal 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 (See Appendix F). 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. Such activities may include, but are not limited to:
- Leading others to disrupt scheduled and/or normal activities on university premises.
  - Classroom behavior which 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).
- 6.4.6. 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.
- 6.4.7. 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.
- 6.4.8. Harassment. Behavior that is severe, pervasive, or persistent 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. (Please see [University Rule 08.01.01.D1](#) for harassment based on a person's protected status).
- 6.4.9. 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 person under similar circumstances and with similar identities to the recipient of such behavior
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

6.4.10. Physical Abuse. Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another 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 extracurricular program or a legitimate military training program as defined and approved by the University.

6.4.11. Hazing

Any act 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. 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 for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization or student group. Hazing is also a violation of Texas state law. See Texas Education Code, sections 37.151 and 51.936 and/or Appendix B of the Student Rules. Examples of such behavior include, but are not limited to:

- Misuse of authority by virtue of one's class rank or leadership position.
- Striking another student by hand or with any instrument.
- 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.
- 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.
- Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate University officials is also a violation under this section.

6.4.11.1. Voluntary Submission to hazing is prohibited

6.4.11.2. 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 Student Conduct Office, University Police Department, peace officer, or other law enforcement agency will not be charged with a violation of the hazing rule.

6.4.12. Failure to Comply. Failure to comply with proper and lawful direction of any university official or law enforcement officer, including the request to identify oneself, in the course of their duties.

6.4.13. Breaching Safety or Security. This includes, but is not limited to: unauthorized access to university facilities, unauthorized entry into 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, unauthorized entry into another person's or entity's residence, vehicle or business, attempting to set, setting or adding to unauthorized fires on property owned, occupied, or leased by the university, tampering with automated electronic defibrillators (AEDs) and other safety equipment. For more information related to fire safety rules, review Appendix E.

6.4.13.1. The use of candles, incense burners, oil lamps, and similar items with an open flame is not permitted.

6.4.14. 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 (see [University Rule 34.05.99.D1](#)). The use of water vapor devices is not permitted.

6.4.15. Weapons and 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, all firearms, pellet guns, tasers, stun guns, slingshots, martial arts devices, switchblade knives, and clubs.

6.4.15.1. In accordance with Texas statute Sec. 411.2032, 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.

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

6.4.15.3. In accordance with Texas S.B. 11 (86 R, 2020), 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.

6.4.16. Acceptable Network Use and Misuse of Computing Resources. Failure to comply with university regulations and policies license agreements, and contracts governing network, software, and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your university provided account; breach of computer security, harmful access, or invasion of privacy. Misuse and/or other abuse of computer facilities and resources includes, but is not limited to:

- Peer-to-Peer, or similar, sharing of copyrighted material.
- 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 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.

6.4.17. Violations of Law. Violation(s) of any federal, state, or local law, statute, or ordinance.

6.4.18. Theft/Damages

6.4.18.1. 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.

6.4.18.2. 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.

6.4.19. Sexual misconduct.

6.4.19.1. Sexual Contact. Attempting or making sexual contact, including but not limited to, inappropriate touching without the person's consent (see "consent" definitions), or in circumstances where the person is physically, mentally, or legally unable to give consent when the behavior is not so severe, pervasive, or persistent to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive or sexual exploitation as defined in Texas A&M University System Regulation 08.01.01. (For sex-based behaviors that are severe, persistent, or pervasive to create a work, education, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive; sexual exploitation; sexual assault; or sexual harassment; please see Texas A&M University System Regulation 08.01.01 and University Rule 08.01.01.D1).

6.4.20. Violations of Law and University Discipline. 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 the prescribed process necessarily invalidate a decision or proceeding unless significant prejudice to the student or University may result. Standards outlined by the University for students may be higher than those standards set for the general population. As each person is subject to multiple layers of expectations through Federal, State, County and local governments, students are further expected to maintain a higher standard of behavior as members of the University community. Students failing to adhere to those standards may be subject to a university conduct process in addition to civil or criminal litigation should the behavior also be a potential violation of the law. The attempted analogy of student discipline to criminal proceedings against adults and juveniles is not sound. 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 the 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 Assistant Vice President and Dean of Student Affairs or designee. 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. 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.

## 6.5. Amnesty

6.5.1. The university encourages students to refer sexual misconduct or other emergencies and violations of our Code and seeks to remove barriers preventing individuals from sharing information.

6.5.2. Amnesty relating to sexual harassment, sexual assault, dating violence, and stalking. A&M-Central Texas will not take any disciplinary action against a student "enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking" [as defined in A&M System Regulation 08.01.01, Civil Rights Compliance], for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any." (Texas Education Code Sec. 51.284).

6.5.2.1. This amnesty does not apply in situations where:

- A student "reports the student's own commission or assistance in the commission

of sexual harassment, sexual assault, dating violence, or stalking” [as defined in System Regulation 08.01.01 Civil Rights Compliance]; or

- A student’s behavior occurring near or at the time of the incident could result in a suspension or expulsion from the university. For the purposes of this rule, suspension or expulsion may be possible outcomes when the student’s behavior:
  - o Threatens or endangers the physical or mental health and/or safety of other individuals;
  - o Causes significant property damage or loss;
  - o Causes significant burden on the university and/or community members to repair the harm caused by the behavior;
  - o Would cause a reasonable person similarly situated to fear for their safety or suffer substantial emotional distress;
  - o Causes significant disruption that limits others’ ability to access the academic, co-curricular, or work environment; or
  - o Has demonstrated a pattern of failure to comply with university behavioral expectations.

6.5.3. Amnesty pertaining to alcohol and/or other drugs. A student who contacts emergency services or takes an individual to receive emergency treatment for possible alcohol and/or drug overdose will not be charged under this code for possession or use of alcohol or other drugs. This amnesty only applies if:

- The student stays with the individual needing treatment until emergency services arrive;
- The student takes reasonable measures to assist the individual needing treatment; and
- The student is cooperative with emergency services and university processes.

6.5.4. Amnesty pertaining to hazing and hazing behavior. Any person reporting to the Student Conduct Office, Student & Civic Engagement, or the University Police Department, a specific hazing incident involving a student is immune from liability, civil or criminal, for that incident, that might have otherwise been incurred or imposed as a result of the report.

6.5.5. Reporting in Bad Faith. Any person reporting an incident in bad faith or with malice is not protected by the amnesty rules established by the university and may result in involvement in the student conduct process.

## **7. Student Conduct Proceedings**

The university views the student conduct system as an educational experience that can result in growth in personal understanding of one’s responsibilities and privileges in the University community. Standards of conduct have been established to protect the rights of others and the orderly operation of the University. The focus of student conduct proceedings is to determine whether the University’s standards have been violated. To this end, student conduct proceedings attempt to balance an understanding and knowledge of the student’s needs with the needs of the University community. Student conduct proceedings shall be administrative in nature and need not comply with the formal legal processes associated with the criminal and civil courts, nor shall deviations from prescribed processes invalidate a decision or proceeding unless significant prejudice to the student or University may result.

### **7.1. Interpretation and Revision of the Code of Student Conduct**

7.1.1. Any question of interpretation or application of the Code of Student Conduct shall be referred to the senior Student Conduct Administrator or designee for final determination.

7.1.2. The Code of Student Conduct shall be reviewed every two years under the direction of the Student Conduct Office. Failure to conduct this review shall not invalidate any portion of this Code.

### **7.2. Due Process and Responding to Alleged Student Misconduct**

Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the judicial system. Due process



- within the student conduct context assures:
- 7.2.1. Written notification sent to the student's official University-issued email address;
  - 7.2.2. A conference before an objective decision-maker;
  - 7.2.3. A finding of responsibility will not be made without information showing it is more likely than not that a violation occurred; and,
  - 7.2.4. Sanctions will be proportionate to the severity of the violation.
- 7.3. Charges and Student Conduct Conferences
- Individuals may bring a complaint against a student for alleged violations of the Code of Student Conduct. Any complaint should be submitted as soon as possible after the event takes place. Such complaints may be submitted to the Student Conduct Office. An investigation may be initiated to determine if the complaint has merit. Complaints may result in charges, a form of alternative dispute resolution, or dismissal of the complaint. These decisions are made at the sole discretion of the University. To ensure students understand how to appropriately pursue a grievance at the university, students are encouraged to seek clarification and advice regarding procedures before initiating a grievance. Although a student may seek such advice from any faculty or staff member, there are staff within the Division of Student Affairs are trained to help students who have grievances. Students are encouraged to seek assistance from the Student Affairs Office in pursuing any type of grievance.
- 7.4. Notification of Charges and Alleged Misconduct
- 7.4.1. All charges of alleged misconduct shall be presented to the student through the student's University provided email account. It is the responsibility of the student to regularly access and review their university email.
  - 7.4.2. Students shall be given at least three (3) University business days to prepare for a conference.
- 7.5. Presumption of Responsibility
- 7.5.1. In all investigations and in any hearing or proceeding, a presumption will exist that a respondent is **not responsible** for the allegation(s) until a determination is made at the conclusion of an adjudicatory process.
- 7.6. Standard Level of Proof
- 7.6.1. 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.
- 7.7. Transcript Notation
- 7.7.1. When a sanction of suspension or expulsion is assigned as a result of violating a student rule, a notation will be documented on the student's academic transcript. The transcript notation will remain in effect for the duration of the active sanction. Additionally, the notation will differentiate between an academic or conduct violation.
  - 7.7.2. The student's academic transcript will not be released while a pending student conduct matter is under review that may result in suspension or expulsion.

## 8. Student Conduct Proceedings

- 8.1. Student Conduct Conferences that may result in separation from the university shall be conducted by the following guidelines with the exception of cases that involve potential violations of Texas A&M University System Policy 08.01 and System Regulation 08.01.01. Fact patterns that include one or more possible violations of 08.01.01 may utilize procedures outline in A&M-Central Texas Rule 08.01.01.D1. Accused students subject to less severe sanctions may, at the discretion of the Student Conduct Administrator, be afforded but are not guaranteed the guidelines outlined below. These guidelines are as follows:
- 8.1.1. Student conduct conferences will typically be conducted in private and may involve joint conferences where two or more students are charged in the same fact pattern.
    - 8.1.1.1. The Student Conduct Administrator has the sole discretion of conducting student conduct conferences jointly or separately.

- 8.1.2. There will be no finding of responsibility solely because a student remains silent during a student conduct conference.
- 8.1.3. Students shall have the right to have an advisor or support person present at all meetings, conferences, hearings, etc. in the student conduct process.
  - 8.1.3.1. All rules on advisors will apply equally to all parties.
  - 8.1.3.2. Advisors may not answer on behalf of the respective party.
  - 8.1.3.3. Advisors who fail to adhere to established rules may be dismissed from the process at the discretion of the student conduct administrator or hearing panel chair.
  - 8.1.3.4. 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 and must be in good standing with the university.
  - 8.1.3.5. Advisors may not be verbally abusive, disruptive to the process, or persist in trying to inappropriately participate.
  - 8.1.3.6. The advisor or support person may not be an attorney unless the accused student is also the subject of a pending subsequent criminal matter arising out of the same circumstances; in such cases, the accused student may be allowed to have an attorney serve as the accused student's advisor, at their own expense, to behave in the same manner as any other advisor.
- 8.1.4. Resolution Options. Students will be provided with two avenues for resolving allegations of misconduct: Formal Student Conduct Conference and Administrative Disposition
  - 8.1.4.1. Formal Student Conduct Conference. All formal student conduct conferences shall be conducted by the Student Conduct Panel and are typically reserved for situations in which the accused student disputes the facts upon which the allegations of misconduct are based, or the accused student does not waive a formal conference.
  - 8.1.4.2. Administrative Disposition. Administrative Disposition Student Conduct Conferences are conducted by a Student Conduct Administrator within the Student Conduct Office and are shall be the default student conduct conference unless a formal conference is requested by the accused student.
- 8.1.5. In a formal student conduct conference, the accused student and the Student Conduct Administrator may arrange for witnesses to present pertinent information to the Student Conduct Panel. Witnesses may provide information to and answer questions from the Student Conduct Panel, Student Conduct Administrator, and/or accused students.
- 8.1.6. Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration by a Student Conduct Panel at the discretion of the Chairperson or Student Conduct Administrator. Student impact statements and other documents shall be reviewed during the sanctioning phase only.
- 8.1.7. Students are responsible for presenting their own information. Therefore, a student should select an advisor whose schedule allows attendance at the scheduled date and time for the student conduct conference. Student conduct conferences will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on who a student may consult or seek advice from, the restriction pertains to the conduct conference only.
- 8.1.8. 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 Student Conduct Administrator or designee will consider the information provided, weigh the facts, and render an appropriate decision.
- 8.1.9. The Student Conduct Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the conference. There is no entitlement to these accommodations and they shall be determined by the Student Conduct Administrator. The Student Conduct Administrator may also make reasonable accommodations to provide access for students with disabilities.
- 8.1.10. Students shall receive the outcome of their student conduct conference in writing within three (3) university business days and

8.1.11. There shall be a single verbatim record, such as a tape or digital recording, of all formal student conduct conferences. Deliberations of the Student Conduct Panel shall not be recorded. The records shall be the sole property of the University.

8.1.12. Accused students shall receive the outcome of their conduct conference in writing.

## 8.2. Appeals

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

8.2.2. In the appellate process, the burden of proof shifts to the student to show cause for the appeal.

8.2.3. Appellate bodies may uphold the sanction(s) imposed by the original student conduct conference or may modify the sanction(s) imposed. If sufficient information is presented that may have materially altered the decision of the original student conduct administrator or panel and was not or could not have been known at the time of the original conference and/or the original conference failed to appropriately follow the guidelines described above, the appellate body may require the case be heard again by a Student Conduct Panel administered by the Student Conduct Office.

8.2.4. Students requesting an appeal must confine their appeal to the following grounds:

- a procedural irregularity that affected the outcome;
- new evidence that was 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;
- the hearing body had a demonstrable conflict of interest or bias for or against the complainant(s) or respondent(s).

8.2.5. Appeals must be submitted to the Student Conduct Office within five (5) days of the date of the outcome letter.

8.2.6. Following an appeal, the matter shall be considered final and binding upon all involved.

8.2.7. Only sanctions of disciplinary suspension and permanent expulsion are eligible for appeal

## 9. Sanctions and Action Plans

9.1. Only students found responsible for violating university rules shall receive a sanction.

9.2. One and/or any combination of sanctions may be imposed for any single student conduct violation.

### 9.3. University Sanctions:

9.3.1. 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.

9.3.2. Community/University Service: A student may be offered an opportunity to complete a specified number of hours of community/university service.

9.3.3. 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).

9.3.4. Campus Restrictions: The withdrawal of specific privileges for a definite period, 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 will be clearly defined.

9.3.5. 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 disciplinary probation. A student on conduct review shall have their conduct under review for a specified period. 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.

9.3.6. 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.

9.3.7. Letter of Reprimand: A letter that makes a matter of record any incident that reflects unfavorably on the student or the University.

9.3.8. Disciplinary Probation: 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 or suspension. If there is a finding of responsibility for subsequent violations during this time, more severe sanctions may be administered. A student on disciplinary probation is deemed "not in good standing" with the University. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions may be administered.

9.3.9. Letter of Enrollment Block: A letter stating the student may not reenter A&M University-Central Texas without prior approval through the Student Conduct Office or Assistant Vice President and Dean of Student Affairs or designee if enrollment has been blocked for a previous student conduct matter.

9.3.10. Suspension: Disciplinary separation of the student from the University for a definitive period. The student is not guaranteed readmission at the end of such period, but is guaranteed a review of the case and a decision regarding eligibility for readmission. The suspension takes effect when the appeal for the offense is exhausted, waived or the time limit has passed. Suspensions may be implemented in one of two ways: immediate implementation of suspension or deferred implementation of suspension. The sanction of suspensions may be placed in a deferred status. If the student is found in violation of any University rule during the time of deferred suspension, the suspension will take effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be applied. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the university.

9.3.10.1. At the end of the period of suspension, the student is eligible for reenrollment. Actual admission to the university will be determined by the academic rules in place at the time of application for reenrollment.

9.3.11. Expulsion: Separation of the student from the University whereby the student is not eligible for readmission to this university.

#### 9.4. Interim Suspension and Restrictions

##### 9.4.1. Interim Suspension

9.4.1.1. A student may not be expelled or suspended prior to a student conduct proceeding or proceeding under A&M University-Central Texas SAP 08.01.01.D1 and/or A&M System Regulation 08.01.01 except when the Assistant Vice President and Dean of Student Affairs or designee responsible for oversight of the student conduct processes believes that an interim suspension should be imposed.

9.4.1.2. Interim suspension may be imposed only to ensure the safety and well-being of members of the university community or guest, or preservation of university property; to ensure the student's own physical or emotional safety; and/or if the student poses an ongoing threat of disruption or, or interference with, the normal operations of the university. A student conduct proceeding will be scheduled as soon thereafter as practicable.

9.4.1.3. 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.

9.4.1.4. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a student conduct conference, if required. However, the student should be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent conference at which the student may show cause as to why his/her continued presence

on the campus does not constitute a threat and at which the student may contest whether the facts of the initial report are accurate.

#### 9.4.2. Interim Restrictions

9.4.2.1. 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 A&M University-Central Texas 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 and/or, if not indicated, until the student is notified the restriction has ended.

9.4.2.2. Interim disciplinary action shall be considered in all allegations of violations of A&M University-Central Texas rule 08.01.01 and System Regulation 08.01.01, allegations of retaliation for involvement in student conduct proceedings, and allegations involving interpersonal violence.

#### 9.5. Not in Good Standing

A student who is not in good standing with the university is subject to the following restrictions:

- Ineligibility to hold an office in any recognized student organization or to hold any elected or appointed office of the University.
- Ineligibility to represent the university in any way, including representing the university at any official function or competition. This includes events taking place both on and off the university campus.
- Additional restrictions or conditions may also be imposed, depending on the nature and seriousness of the misconduct.

### 10. Student Conduct Files and Records

Complaints may result in the development of a student conduct file in the name of the accused student. The file(s) of a student found to be in violation of the student 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 from the last day of the last semester the student is enrolled. Student conduct records may also be retained for as long as administratively valuable. The records may be retained permanently if the student was expelled, suspended, or blocked from reenrollment and/or in situations that may result in future litigation.

Complaints of sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, or related retaliation may result in the development of a file in the complainant's name. This file shall be retained for no less than five (5) years from the complainant's graduation date or from the last day of the last semester the complainant is enrolled. These files may be retained for as long as administratively valuable.

Student conduct files and associated records are maintained and controlled by the Student Conduct Office. 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 senior Student Conduct Administrator, 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 presence and authorization of that 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 Student Conduct Office.

- 10.1. Some conduct records may be expunged for good cause by the Student Conduct Office upon receipt of an electronically submitted request by the 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 after the violation;
  - the present demeanor of the requesting student; and,
  - the nature of the violation and the severity of any damage, injury, or harm resulting from the violation.

10.2. **Family Educational Rights & Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act of 1974 is a federal regulation guaranteeing students or their parent(s) access to all educational records that pertain to the student and protects the privacy of these records. Upon reaching the age of 18 or enrolling in an institution of higher education, the student is the primary owner of the record. Students have the right to inspect and review their own educational records as well as to request the school correct records the student believes to be inaccurate or misleading. Students are encouraged to review the University's FERPA policy (Appendix D): <https://www.tamuct.edu/compliance/ferpa.html>

## **11. Returning to Campus Following Disciplinary Suspension**

- 11.1. Registration holds are placed on records of students on disciplinary 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 Student Conduct Office at least three (3) weeks prior to the first day of the semester or summer session in which registration is request.
- 11.3. Evidence supporting the student's ability to function within established expectations in a university environment may be required. The student Conduct Office 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.
- 11.4. If readmission is denied, the Student Conduct Office will set a new date at which another request for readmission may be made.
- 11.5. The Student Conduct Office is only empowered to recommend readmission to the University and has no ability to impact a student's entry or denial of entry into university professional programs or similarly situated academic programs.

## **12. Student Organizations**

- 12.1. Student organization leaders must meet minimum requirements, as outlined herein, in order to maintain the recognition of their student organizations. Should they fail to meet these requirements, a student leader will be ineligible to hold an office in a student organization. Students wishing to contest their ineligibility may submit an appeal through Student & Civic Engagement as outlined in the Student Organization Manual. Organizations choosing to set higher standards for their membership or leadership are responsible for holding members accountable to these higher standards.
- 12.2. A&M University-Central Texas acknowledges that self-governing student organizations contribute significantly to the educational, social, and personal development of students, as well as to the vibrant culture of the institution. The University further recognizes that students may freely establish and participate in these organizations within the context of local, state, and federal law, as well as University policies and Student Rules. In order to receive and retain official recognition, student organizations must be granted approval by the Assistant Vice President and Dean of Student Affairs through the Associate Dean of Student Affairs or designee, and they must annually meet certain requirements. Privileges associated with the status of being officially

recognized by the University include the use of the university's name, logos, and trademarks as defined by the University Brand Guide, university facilities for meetings, and University property for solicitation. To be recognized and/or maintain their recognized status, student organizations must:

- 12.2.1. Have an approved faculty or staff advisor, employed at a level consistent with the categorization of the organization and committed to upholding the expectations of an advisor as defined in the "Acknowledgement of Student Organization Advisor Expectations" and the Student Organization Manual.
- 12.2.2. Annually renew their recognition with Student & Civic Engagement. An organization's annual recognition cycle should begin in the month the organization elects or selects leadership, as defined by the organization's constitution. Each organization must provide: signatures of the University advisor and the student officers authorized to withdraw money; the names and contact information of all advisors and officers of the group; an up-to-date profile of the student organization; and a current constitution and by-laws that comply with the provisions outlined in the Student Organization Manual. Student leader and advisor trainings must also be completed during the renewal period. A&M University-Central Texas may identify required enhanced expectations for organizations with a specialized/higher degree of risk or affiliation with the university.
- 12.2.3. A student organization must maintain a name and mission that distinguishes it from other existing organizations. Organizations may not be formed for the purpose of participation in illegal activities or activities that violate the rights of others.
- 12.3. Students selected, elected or appointed as officers (an officer is an individual in a leadership position as defined in the organization's constitution) in officially recognized student organizations shall:
  - 12.3.1. Have a minimum cumulative and semester grade point average (GPA) as stated below and meet minimum cumulative and semester GPA in the semester immediately prior to the election/selection/appointment, the semester of election/selection/appointment, and semesters during the term of office.
  - 12.3.2. For undergraduate students, the minimum cumulative and semester GPA is 2.00. In order for this provision to be met, at least six hours (half-time credits) must have been taken for the semester under consideration unless fewer credits are required as they complete the final stages of their degree. In one limited circumstance, summer semester hours may qualify toward a grade point average prior to election/selection/appointment if at least six credit hours have been taken during the course of a summer session.



An important note about announced policies...

Texas A&M University-Central Texas reserves the right to make changes in its announced policies. The most recent version of this handbook and student expectations may always be found at [tamuct.edu/student-affairs/student-conduct.html](http://tamuct.edu/student-affairs/student-conduct.html).

## Campus Safety & Security Act of 1990

### *The Jeanne Clery Act*

Texas A&M University-Central Texas, like all colleges and universities receiving federal funding, is required to record and report the incidence of certain criminal activities which have occurred on campus over the previous three (3) years. The current campus safety report may be located by visiting at [tamuct.edu/police/clery.html](http://tamuct.edu/police/clery.html)

Texas A&M University-Central Texas is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award baccalaureate, masters, and educational specialist degrees. Questions about the accreditation of Texas A&M University-Central Texas may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website ([www.sacscoc.org](http://www.sacscoc.org)).

The university has been accredited by SACSCOC since 2013.

## Student Conduct

<https://www.tamuct.edu/student-affairs/student-conduct.html>

Warrior Hall 105 | 1002 Leadership Place

Killeen, TX 76549

[studentconduct@tamuct.edu](mailto:studentconduct@tamuct.edu)

Approved: May 14, 2020

Next Scheduled Review: May 14, 2025

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## Rule Summary

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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.

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## Definitions

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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.

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## Rule

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### 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.

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### Related Statutes, Policies, or Requirements

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[Texas Education Code § 51.9315.](#)

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### Contact Office

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Office of Institutional Compliance  
254-519-5763

## Appendix B: Hazing

### Stop Hazing @ A&M-Central Texas

Texas A&M University-Central Texas is committed to providing a safe educational environment and does not tolerate hazing by any individual, group, or organization affiliated with the university. Texas A&M University-Central Texas is a community committed to the pursuit of our values of Excellence and Achievement, Compassion, Integrity, Knowledge, Diversity, Initiative, and Collaboration.

Hazing is a violation of each of these values, as well as a violation of the Texas A&M University-Central Texas Code of Student Conduct, student organization policies, and Texas State law.

Texas A&M University-Central Texas publishes and distributes a report of hazing violations, and organizations involved, in compliance with Texas State law and to inform students as they get engaged on campus.

Organiza- tion	Incident Date	Investiga- tion Initiat- ed	Resolution Date	Description	Sanction	Outcome
	No reports, allegations, or investigations of hazing have been reported or initiated within the previous three (3) years (2022-2023; 2021-2022; 2020-2021). For questions, please contact the student conduct office: <a href="mailto:studentconduct@tamuct.edu">studentconduct@tamuct.edu</a> ; 254.501.5909 <a href="mailto:sce@tamuct.edu">sce@tamuct.edu</a> ; 254.519.5496					

Electronic version of this report available: [https://www.tamuct.edu/student-affairs/docs/Hazing\\_ThreeYear\\_Report.pdf](https://www.tamuct.edu/student-affairs/docs/Hazing_ThreeYear_Report.pdf)

### Texas Higher Education Code Sec. 2 Chapter 4 Subchapter B

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 or 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.

## **Appendix D: Family Educational Rights & Privacy Act of 1974**

To comply with the requirements of the “Family Educational Rights and Privacy Act of 1974,” Texas A&M University periodically announces publicly the rules and procedures implementing the act. Additional information is available from the Texas A&M University-Central Texas Records & Admissions Office.

Several types of student records are maintained in various university offices, and the chief administrator in each of these offices is responsible for them. With certain exceptions, the law provides that students and former students have the right to review their records, request explanations concerning them, obtain copies and challenge records that they feel are inaccurate, misleading, or otherwise inappropriate.

The challenge procedure includes a full and fair opportunity for the student to present relevant evidence at a hearing. The law also provides that students may waive their right of access to confidential letters of recommendation and may also grant permission to release certain personally identifiable information to unauthorized personnel.

The exceptions to this law, i.e., records not accessible to students, include educational personnel records in the possession of the author; records maintained for law enforcement purposes; employment records of non-students; records maintained by a physician, psychiatrist, or psychologist; and financial records of a student’s parents.

The law also provides that, in addition to university employees having a “legitimate educational interest,” certain other governmental and quasi-governmental agencies and parents certifying that a student is carried as a dependent for income tax purposes may have access to student records.

The university can release “directory information” such as name, address, telephone listing, major field of study, classification, place of birth, participation in activities and sports, height and weight of athletic team members, degrees and awards received, etc.; students may, however, request that this information be withheld. The Records & Admissions Office maintains a complete list of the types of directory information the university can release.

## **Appendix E: Campus Fire Safety**

Effective fire alarm systems are essential for the protection of life and property. Tampering with fire detection and alarm system equipment is a Class A Misdemeanor, which is punishable by (1) a fine not to exceed \$4,000; (2) confinement in jail for a term not to exceed one year; or (3) both such fine and imprisonment. In addition, a student offender is subject to all appropriate university administrative sanctions as authorized in Section 27, Sanctions.

Section 42.06 of the Texas Penal Code states in part that “A person commits an offense if he knowingly initiates, communicates, circulates, or broadcasts a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:

1. cause action by an official or volunteer agency organized to deal with emergencies;
2. place a person in fear of imminent serious bodily injury;
3. or prevent or interrupt the occupation of a building, room or place to which the public has access.”



## **Appendix F: Disruptive Activities on Campus or Property of Educational Institutions**

Disruptive activity means:

1. Obstruction or restraining the passage of persons in an exit, entrance, or hallway of any building;
2. Seizing control of any building or portion of a building for the purpose of interfering with any university-authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of force or violence, any lawful assembly authorized by the university;
4. Disrupting by force or violence or the threat of force or violence, a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the university or property or attempting to prevent by force or violence or the threat of force or violence the ingress or egress of any persons to or from said property.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur. A person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction can be fined not to exceed \$200 or confinement in jail for not less than ten days nor more than six months, or both.

Any person convicted of violating this section for the third time shall be ineligible to attend any school, college or university receiving funds from the State of Texas for a period of two years from the date of his or her third conviction.

This section shall not be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.

### **Maintaining Order on the Campuses or Facilities of State-Supported Institutions Subchapter**

#### **E-1. Section 51.231-51.244 Texas Education Code**

##### **51.231. Definition of Periods of Disruption**

For purposes of this subchapter, a period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility.

##### **51.232. Identification of Persons on Campus**

(a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship with the

institution.

(b) If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

#### 51.233. Withdrawal of Consent to Remain on Campus

(a) During periods of disruption, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

(b) In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn.

(c) Notification shall be in accordance with procedures set out in Section 51.234 of this code.

#### 51.234. Notice of Withdrawal of Consent

When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all the following:

6. that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
7. the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
8. a brief statement of the activity or activities resulting in the withdrawal of consent;
9. and notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

#### 51.235. Report to Chief Administrative Officer

Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, the officer or employee shall submit a written report to the chief administrative officer within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all the following:

10. the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number;
11. and a statement of the facts giving rise to the withdrawal of consent.

#### 51.236. Confirmation of Withdrawal of Consent

(a) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in Section 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee.

(b) If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

#### 51.237. Request for Hearing

(a) A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing no later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

(b) The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Section 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

#### 51.238. Reinstatement of Consent to Remain on Campus

The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

#### 51.239. Entering or Remaining on Campus After Withdrawal of Consent

(a) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Section 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 51.244.

(b) This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

#### 51.240. Authority to Suspend, Dismiss, or Expel Students or Employees Not Affected

This subchapter does not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at the university or college.

#### 51.241. Students and Employees Barred From Campus After Suspension or Dismissal

(a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of the institution, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year.

(b) A person who has been notified by personal service of the suspension or dismissal, condition, and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244.

(c) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (b) of this section.

#### 51.242. Refusing or Failing to Leave Building Closed to Public

No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that the individual or individuals have no apparent lawful business to pursue.

#### 51.243. Required Hearing Procedures

A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn in accordance with Section 51.233 is entitled, in addition to the procedures set out in Section 51.234, to the following:

1. to be represented by counsel;
2. to the right to call and examine witnesses and to cross-examine adverse witnesses;
3. to have all matters upon which the decision may be based introduced into evidence at the hearing in his presence;
4. to have the decision based solely on the evidence presented at the hearing;
5. to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
6. to have all findings made at the hearing be final, subject only to his right to appeal to the president and the governing board of the institution.

#### 51.244. Penalties

A person who violates Sections 51.239, 51.241, or 51.242 of this code is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$500 or imprisonment in the county jail for not more than six months, or both.

# **Appendix G: HIV/AIDS in the Workplace and Learning Environment**

## **I. Background**

Senate Bill 959, passed in the 71st Legislature, specifies that workplace guidelines be promulgated to assure that the rights and privileges of individuals infected with the Human Immunodeficiency Virus (HIV) are protected. Pursuant to that requirement and in recognition of the serious nature of HIV and related health issues in the work and learning environment, the following guidelines and rules are established for Texas A&M University-Central Texas (the university).

## **II. Definition**

Human Immunodeficiency Virus cripples the body's ability, through the immune system, to fight infection. Once infected with HIV, a person may remain without symptoms for a long period of time, but is able to infect others through sexual or direct blood contact. As the disease progresses, the immune system can become so weakened that a person may eventually develop life-threatening infections and cancers. Acquired Immunodeficiency Syndrome (AIDS) is the final stage of the HIV infection.

## **III. Methods of HIV/AIDS Transmission**

An individual infected with HIV, although seemingly healthy and without symptoms, may transmit the virus in the following ways:

- by having sex with an uninfected person (through semen, vaginal fluids or blood);
- by sharing needles and syringes;
- from the mother to the fetus during pregnancy or possibly to the baby through breast-feeding;
- or by donating infected blood or blood products.

Current scientific and medical technology has determined that HIV is transmitted through certain behaviors, not the environment, and that there is no risk of HIV/AIDS infection through routine daily contact. Live HIV must gain entry to the bloodstream or mucous membranes to cause infection. Employees and students are not at risk of exposure to HIV through:

- casual contact (shaking hands, working side-by-side);
- use of equipment or supplies (tools, telephones, machinery, furniture or typewriters);
- use of rest rooms, eating or cooking facilities, water fountains;
- the environment (air, water, insects); or
- donating blood for blood drives.

## **IV. HIV/AIDS in the Work/Learning Environment**

The existence of HIV infection should not be used to determine suitability of applicants for employment or for student admission unless current scientific information indicates that required activities may expose others to risk of transmission.



A student with HIV infection should be allowed to attend classes without restrictions as long as the student is physically and mentally able to participate, perform assigned work and poses no physical health risk to others.

An HIV-infected employee will remain employed as long as he or she meets job performance standards and does not engage in activities on the job which current scientific information indicates may expose others to risk of transmission. This right is protected by law.

## **V. HIV/AIDS Rules Promulgation**

The university will adopt rules, procedures and education programs to help its employees and students better understand the medical, legal, administrative and ethical issues involved with HIV/AIDS.

The rules establish that a person's refusal to work or attend classes with HIV-infected individuals will be carefully monitored and documented. Appropriate accommodation or corrective or disciplinary measures may be implemented for people who refuse to work or attend classes with HIV-infected individuals.

The university's rules are available to students, faculty and staff members through handbooks, manuals, brochures or any other method deemed appropriate. Institutional course catalogs should state that educational pamphlets are available to students.

Such rules shall be submitted to the System General Counsel for review and approval. Texas A&M does not discriminate against any individual applying for and living in university housing provided the person meets all university admissions criteria and abides by residence hall rules. As such, Texas A&M University will not exclude HIV-positive students from university housing and will grant the same rights and confidentiality to HIV residents as are accorded to all residence hall students.

There is no justification for excluding individuals infected with HIV from residential housing. In some circumstances, however, there may be reasonable concern for the health of someone with a weakened immune system, whether due to HIV infection or another illness, who might be exposed to certain infectious diseases in a community living situation. Students with HIV may be offered a private room only after thorough discussion with the student involved and only with his/her consent. Throughout the above discussion, the student's identity will be protected.

## **VI. Workplace Management**

The approach and resolution of HIV issues in the workplace will vary among System members. Careful attention should be given to:

- existing leave rules for management of chronic conditions;
- assessment of employee and agency needs;
- current scientific information about HIV and its related conditions; and
- current laws and rules regarding HIV/AIDS. (For information on testing, refer to *HIV Testing* For information on confidentiality, refer to *Confidentiality*.)

During the asymptomatic period, the employee is not obligated to provide information about his/her HIV status to the employer. Once HIV-related symptoms occur, it is the employee's responsibility to provide to the employer medically verified information relating to the employee's ability to perform job duties.

## VII. Eligibility for Benefits

**Workers' Compensation**—For the purpose of qualifying for Workers' Compensation or any other similar benefits, State law requires that an employee must provide a written statement of the date and circumstances of the work-related exposure to HIV infection and document the fact that, within 10 days or less after the exposure, the employee had a test result that indicated an absence of HIV infection. An employee who may have been exposed to HIV while performing duties of employment may not be required to be tested, but refusal to be tested may jeopardize Workers' Compensation benefits.

**Unemployment Compensation Benefits**—Each System member shall inform employees that state law provides that an individual will be disqualified for Unemployment Compensation Benefits:

- if the Texas Workforce Commission (TWC) finds that the employee left work voluntarily rather than provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the university provided facilities, equipment, training and supplies necessary to take reasonable precautions against infection.
- if the TWC finds that the employee has been discharged from employment based on a refusal to provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the university provided facilities, equipment, training and supplies necessary to take reasonable precautions against infection.

**Health Benefits**—No university student or employee will be subjected to impermissible discrimination under a health benefits plan endorsed by the university on the basis of a positive HIV test result.

## VIII. HIV Education Programs

The university offers educational training programs on HIV/AIDS to students and employees. Such programs should be tailored to the cultural, educational, language and developmental

needs of the target audience.

The university shall annually provide each employee an educational pamphlet about methods of transmission and prevention of HIV infection and relevant state laws. A pamphlet also shall be provided to new employees on the first day of employment.

Institutions shall make available to students, on request, one or more educational pamphlets on HIV infection developed by the TDH or similar educational materials and shall include in the student handbook a statement that pamphlets are available from the institution.

The student health center should provide information on prevention of HIV infection, including:

- the value of abstinence and long-term mutual monogamy;
- information on the efficacy and use of condoms; and
- State laws relating to the transmission, and to conduct that may result in the transmission, of HIV.

## **IX. Guidelines Related to Laboratory and Health Care Professions Training**

**Safety Precautions**—The university shall develop guidelines for health care workers and students in the health professions concerning prevention of transmission of HIV and concerning health care workers who have HIV infection. Each System health care worker who is involved in hands-on patient care should complete an educational course about HIV infection based on the model education program and workplace guidelines developed by the TDH and the guidelines of this policy.

**Education of Students Entering Health Professions**—Each institution offering medical, dental, nursing, allied health, counseling and social work degree programs should include within the program curricula information about:

- methods of transmission and methods of prevention of HIV infection;
- Federal and state laws, rules and regulations concerning HIV infection and AIDS; and
- the physical, emotional and psychological stress associated with the care of patients with terminal illnesses.

**Guidelines for Laboratory Courses**—University laboratory courses requiring exposure to material that has potential for transmitting HIV should adopt safety guidelines for handling such material and distribute this information to students and staff prior to such exposure.

## **X. HIV Testing**

**Mandatory Testing**—No programs for mandatory HIV testing of employees, students or patients should be undertaken unless required by law or court order.

**Voluntary Testing and Counseling**—Student health centers should offer or refer students, faculty and staff members for confidential or anonymous HIV counseling and testing services. All testing conducted by the university will comply with the section *Informed Consent* and will include counseling before and after the test. Unless required by law, test results should be revealed to

the person tested only when the opportunity is provided for immediate, individual, face-to-face counseling about:

- the meaning of the test result;
- the possible need for additional testing;
- measures to prevent the transmission of HIV;
- the availability of appropriate health care services, including mental health care and appropriate social and support services in the geographic area of the person's residence;
- the benefits of partner notification;
- the availability of partner notification programs; and
- identifying and changing high risk behaviors.

**Informed Consent**—Unless otherwise authorized or required by law, no HIV test should be performed without informed consent of the person to be tested. Consent will be written on a separate form, or the medical record will document that the test has been explained and consent has been obtained. The consent form will state that post-test counseling will be offered or the medical record will note that the patient has been informed that post-test counseling will be offered.

**Reporting of Test Results**—HIV test results will be reported in compliance with all applicable statutory requirements, including the *Communicable Disease Prevention and Control Act, Texas Health and Safety Code, Section 81.001*.

**Conditions of HIV Testing of Employees at Institution's Expense**—Employees will be informed that they may request HIV testing and counseling at the expense of the university if: the employee documents, to the satisfaction of the president, possible exposure to HIV while performing duties of employment; and the employee was exposed to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed by the Texas Department of Health and the Centers for Disease Control (CDC) of the U.S. Public Health Service.

### **Confidentiality**

Based on the Federal Privacy Act, the Texas Commission on Human Rights Act and the Texas Communicable Disease Prevention and Control Act, any medical documentation or information provided by an HIV-infected employee or student to medical or management personnel must be considered confidential and private information. As such, employers are forbidden by law to disclose this information without the employee's knowledge and consent, except as provided by law (*Communicable Disease Prevention and Control Act, Section 9.03, as amended by S.B. 959*).

With consent of the HIV-infected employee, appropriate agency officials such as medical staff, personnel representatives and/or direct supervisors may be informed of the infected employee's condition. Anyone who has access to confidential information is charged with maintaining strict confidentiality and privacy. It must be emphasized that any individual within an organization who breaches the HIV-infected employee's rights has committed a serious offense. This breach may be cause for litigation, resulting in both civil and criminal penalties.

## Appendix H: University Alcohol Rules for Students

- I. **Introduction** Texas A&M University-Central Texas is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement, and the advancement of knowledge. The University's interest is in the intellectual, physical, and psychological well-being of the campus community and takes steps to curtail the abusive or illegal use of alcoholic beverages. Educating students about the effects of misuse and use of alcohol will help accomplish these goals.

II. **Texas A&M University-Central Texas Student Rules**

The Student Rules state:

Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university regulations), is prohibited on university premises and at university sponsored events. In addition, use, possession, or distribution of alcoholic 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. Individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol.

For more information, call the Student Conduct Office at (254)501.5909

III. **Student Organizations – Sponsored Events Involving Alcoholic Beverages**

All requests to have alcohol at sponsored events must comply with the University's procedure 34.03.99.D0.01 Alcohol Beverages on University Property.

It is expected that all student organizations will have their activities (sponsored, authorized, sanctioned, and/or financed) approved by the group's faculty/staff advisor. The student organization is responsible for assuring that alcohol consumption does not detrimentally affect the health and well-being of those attending the event. Student organizations may hold events involving alcoholic beverages under the following conditions:

1. The possession, sale, use, or consumption of alcoholic beverages, in public areas of the campus is prohibited. Any event sponsored, authorized, sanctioned, endorsed, and/or financed by a student organization must be in compliance with any and all applicable laws and rules of the state, county, city, and Texas A&M University-Central Texas, and must comply with either BYOB or third-party vendor guidelines. In addition, the event or activity must be approved by the groups faculty/staff advisor.
2. No alcoholic beverages may be purchased through a student organization's funds, nor may the purchase of alcohol for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the student organization. The purchase or use of bulk quantity or common sources of alcoholic beverage (i.e., kegs or cases) shall be prohibited.
3. Open events, meaning those with unrestricted access to non-members of the student organization, without specific invitation, where alcohol is present, are prohibited.
4. No members, collectively or individually shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under the legal drinking age).
5. No student organization may enter into an agreement to co-sponsor an event with an alcohol distributor, charitable organization, or tavern where alcohol is given away, sold, or otherwise provided to those present.



6. No student organization may co-sponsor or co-finance a function where alcohol is purchased by any of the host organizations or groups.
7. All membership recruitment activities associated with any student organization shall be alcohol free.
8. No alcohol shall be present at any new member activity of any student organization.
9. The recognized student organization(s) must establish active precautionary measures to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear to be intoxicated.
10. No event shall include any form of “drinking contest” or “drinking game” or encourage the rapid consumption of alcohol in the activity or its promotion.
11. Non-alcoholic beverages and non-salty food must be available at the same place as the alcoholic beverages. Food and non-alcoholic beverages must be featured as prominently as the alcoholic beverages.

**IV. University Advertisement Rules Regarding Student Organization-Sponsored Events with Alcoholic Beverages**

Advertising of University events where alcoholic beverages must be consistent with the educational philosophy of Texas A&M University-Central Texas and follow these conditions:

- Advertisement for any event where alcoholic beverages are being served must note the availability of non-alcoholic beverages and food as prominently as the alcoholic beverages.
- The messages conveyed in the promotion must not encourage any form of misuse of alcohol.
- Publicity must not convey that consumption of alcohol is the purpose or reason for the event.
- Promotion must not refer to the amount/quantity of alcohol (5-keg party, etc.).
- Advertisements for events must not portray drinking as a solution to person or academic problems nor as necessary to social, sexual, or academic success.
- Alcoholic beverages must not be provided as awards, door prizes, or giveaways to individuals or campus organizations.

**V. Penalties for Non-Compliance**

A student found responsible for noncompliance with these rules or the laws of the State of Texas has committed a violation of University Student Rules and is subject to sanctions commensurate with the offense and any aggravating and mitigating circumstances.

Student organizations have a responsibility to abide by all conditions of these rules and University Student Rules. Actions of all student organizations are subject to review by the Associate Dean of Student Affairs, Assistant Director of Student & Civic Engagement or the appropriate designate. Failure to comply with the rules and/or University Student Rules may lead to revocation of recognition privileges or any lesser sanction.

For more information, call the Student & Civic Engagement at (254)519.5496.

## **Appendix I: Drug/Drug Paraphernalia Rules for Students**

- I. **Introduction** Texas A&M University-Central Texas strives to assist students in achieving their potential as human beings and in becoming self-directed in all activities. Because growth and development are shaped by a student's environment, the University seeks to develop an environment where students can learn how to live fulfilling and productive lives. Substance abuse disrupts this environment and threatens not only the lives and well-being of our students, faculty and staff, but also their potential for contributing to society. It is important for all members of the University community to take responsibility for preventing substance abuse from negatively affecting the community's learning environment and the academic, physical and emotional well-being of its membership.

These rules deal with education, prevention, intervention, and treatment activities as well as conduct sanctions. The University has established a substance abuse prevention program to help eliminate the threat that substance abuse poses to the University community. Through education, the University is committed to helping individuals achieve their personal and academic goals.

### **II. Education, Prevention, and Referral for Treatment**

Texas A&M University-Central Texas is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. The Student Conduct Office provides information to the University community. Through this broad-based program, the University will provide a setting in which education leads to the prevention of substance abuse.

Assessment and intervention services for students are available through the Student Wellness & Counseling Center (SWACC). If further treatment is necessary, the student may be referred to outside counselors and programs.

### **III. University Expectations / Definitions**

All members of the University community are expected to abide by state and federal laws pertaining to controlled substances and illicit drugs. More specifically, Texas A&M University-Central Texas Student Rules prohibit "using, possessing, being under the influence of, manufacturing, or distribution or being a party thereto of illicit drugs or illicitly obtained/possessed controlled substances and/or prescribed substances and/or drug paraphernalia and/or dangerous drug." (See University Student Rule 6.4.4)

The term "controlled substances," when used in these rules, shall refer to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Civil Statutes, Article 4476-15), as well as substances that possess a chemical structure similar to that of a controlled substance (e.g., "designer drugs").

### **IV. University Conduct Process**

University student conduct charges may be pursued against students alleged to have violated University Student Rules and/or state and federal laws concerning controlled substances. Violations of any state or federal law pertaining to controlled substances that occur off campus and are not associated with a university-connected or adjacent event or activity may result in disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and the orderly operation of the University.

Student conduct proceedings will be in accordance with procedures outlined in the University Student Rules. Voluntary admission to a substance abuse treatment program prior to the issuance of charges may be looked upon favorably in conduct cases and may serve as a mitigating factor when considering sanctions. Disciplinary action in cases involving drug-related violations may result in suspension or expulsion for the University, depending on the nature and seriousness of the case. Participation in a substance abuse education or treatment program may be required in addition to other sanctions. Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by an off-campus authority.

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**We Are  
Warriors.**