

Code of Student Conduct

Preamble

Texas A&M University - Central Texas' primary concern is the success and well being of our students. The University attempts to provide for all students a campus environment that is conducive to academic endeavor and personal and professional growth. By enrolling as a student at Texas A&M University - Central Texas, a student does not relinquish any rights or responsibilities under state and federal law. Texas A&M University - Central Texas expects all students to obey the law and to show respect to properly constituted authority. The University also expects its students to fulfill contractual obligations, to maintain absolute integrity, and to have a high standard of individual honor in academic work. Students are responsible for obtaining all published materials and updates relating to this code from the Division of Student Affairs. Students are expected to be fully acquainted with all published standards of conduct in the Code of Student Conduct.

This Code of Student Conduct is not intended to be a complete list of standards. 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 should be referred to the Division of Student Affairs. Minor deviations from the guidelines provided in this Code of Student Conduct shall not be grounds for voiding action taken by the University, unless the deviation resulted in substantial prejudice to the student.

Article 1. Definitions

- 1.01. "University": Texas A&M University - Central Texas, A&M University-Central Texas, or TAMUCT
- 1.02. "Student": All persons taking courses at A&M University-Central Texas, either full-time or part-time in undergraduate, graduate, continuing, or professional studies from the time of application through 180 days post-graduation for behavior misconduct and indefinitely for academic misconduct. Student shall also encompass any individual who is taking a course at TAMUCT. Any person who has been alleged to have violated the Code of Student Conduct and withdraws prior to a conduct hearing shall be considered a student
- 1.03. "Code of Student Conduct": Hereinafter referred to as "The Code" or "the Code." The Code outlines expectations for how students conduct themselves as members of the University community
- 1.04. "University Official": Any person employed by the University, performing assigned administrative or professional responsibilities.
- 1.05. "Faculty Member": Any person hired by the University to conduct classroom or teaching activities and who has the authority to assign grades
- 1.06. "Member of the University Community": Any person who is identified by the University as a faculty, staff, or student
- 1.07. "University premises": All land, buildings, facilities, and other property that is owned, used, or controlled by Texas A&M University - Central Texas

- 1.08. "Student Organization": A formally recognized group of students who have met the requirements of recognition set forth by the University and the Office of Civic and Student Engagement
- 1.09. "Respondent": Any student or student organization alleged to have violated the University's Code of Student Conduct
- 1.10. "Complainant": Any person who submits a charge alleging that a student violated the Code of Student Conduct
- 1.11. "Witness": A person who may have information that the hearing body will consider in order to issue a conduct decision
- 1.12. "Conduct decision": A written decision as to whether a student has violated the Code of Student Conduct. A conduct decision may include sanctions or outcomes assigned to the student
- 1.13. "Finding of Responsible": An official decision from a University hearing body that a respondent has violated the Code of Student Conduct
- 1.14. "Finding of Not Responsible": An official decision from a University hearing body that a respondent has not violated the Code of Student Conduct or that there is insufficient evidence to support a finding of responsible
- 1.15. "Hearing Body": Any committee or individual delegated authority by the Dean of Student Affairs to administer a conduct hearing
- 1.16. "University Conduct Officer": Assistant Dean of Student Affairs
- 1.17. "Administrative Disposition": An informal hearing for students to address and resolve allegations of misconduct
- 1.18. "Formal Hearing": A formal hearing before the Student Conduct Panel for students to resolve allegations of misconduct
- 1.19. "Appeal": A written request from a student to review a conduct decision.
- 1.20. "Sanction" or "Outcome": An assigned consequence of a conduct hearing after a student has been found responsible for alleged violations of the Code of Student Conduct
- 1.21. "Weekday" or "Day": Monday through Friday excluding any day(s) that is an official University holiday or when regularly scheduled classes have been suspended
- 1.22. "Shall" means must. It is imperative.
- 1.23. "May" is permissive

Article 2. Authority of "The Code of Student Conduct"

- 2.01. The Texas A&M University - Central Texas Code of Student Conduct applies to conduct that occurs on University premises or conduct that adversely affects the University community and/or the pursuit of its mission. The University reserves the right to take action for student conduct occurring off University premises which threatens the health, safety, or property of another or which has an adverse effect on the University community and/or the University's pursuit of its objectives. Conduct engaged through electronic communication including, but not limited to, social media, e-mail, and text messaging is governed by this Code. Every student is responsible for her/his conduct from the time of applying for admission to the University through 180 days after the conferral of a degree for non-academic misconduct and indefinitely for

academic misconduct. The University reserves the right to respond to student misconduct during periods between terms of actual enrollment. The University may take action as a result of an alleged violation of the Code regardless of any action taken by law enforcement authorities. Students are expected to uphold the "spirit" of the Code. Any question of interpretation or application of the Code should be referred to the Division of Student Affairs.

- 2.02. As delegated and authorized by the President, the Dean of Student Affairs has primary authority and responsibility for the administration of student conduct. The Dean of Student Affairs appoints the Assistant Dean of Student Affairs as the University Conduct Officer and may make further delegation as deemed necessary.

Article 3. Level of Proof

- 3.01. The student conduct process at A&M University-Central Texas is an administrative and educational process. Unlike criminal court proceedings, A&M University-Central Texas does not use the "beyond a reasonable doubt" standard. The standard of proof at A&M University-Central Texas is a "preponderance of the evidence" or 51% for all violations. Preponderance of the evidence is best described as "more likely than not."

Our primary goal is education. We seek to educate the University community on our shared values and respond to alleged violations of those values appropriately.

Article 4. Standards of Student Conduct

4.01. Academic Integrity

- 4.01.01. Any act of dishonesty as described in the Code of Academic Integrity is an act of academic dishonesty.

4.02. Non-Academic Acts of Dishonesty

4.02.01. Theft

- 4.02.01.01. Unauthorized acquisition or possession of items/services that belong to another person or entity

4.02.02. Furnishing False Information

- 4.02.02.01. The intentional making of a false report of a bomb, fire, or other emergency on University premises or University related premises by means of activating a fire alarm or in any other manner

- 4.02.02.02. Forgery, unauthorized alteration, or misuse of any University documents, forms, records, or instruments of identification

- 4.02.02.03. The submission of false information at the time of admission or readmission is grounds for rejection of the applicants, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal, or other appropriate disciplinary action

- 4.02.02.04. Failure to meet financial obligations to the University or writing checks on accounts with insufficient funds

- 4.02.02.05. Students are expected to communicate honestly and demonstrate a respect for truth. It is a violation to knowingly furnish false, falsified,

or forged information, to the conduct process or to any University official.

4.03. Vandalism

4.03.01. Intentionally or knowingly damage of or harm to the property of another. Vandalism has a financial impact on the institution. Charges for repair will be assessed to student(s) found responsible

4.04. Misuse/Unauthorized use of University Property

4.04.01. Possession or use of University keys for unauthorized purposes

4.04.02. Unauthorized entry into, or unauthorized use of, University buildings, facilities, equipment, or resources

4.05. Fire Safety

4.05.01. Unauthorized use or misuse of emergency safety equipment including, but not limited to, smoke detectors, AEDs, and fire extinguishers

4.05.02. Use or possession of candles, incense burners, oil lamps, and similar items with an open flame or smolder are not permitted in TAMUCT facilities or buildings

4.05.03. TAMUCT's facilities, buildings, and vehicles are smoke-free. Smoking is restricted to designated areas 50 feet away from entryways. The use of tobacco, smokeless tobacco products, or electronic cigarettes (e-cigarettes) is not permitted in TAMUCT facilities or buildings.

4.06. Weapons & Explosives

4.06.01. Possession or use of ammunition, other explosives, firearms, imitation firearms, or propellant devices or weapons (including air powered guns, blowguns, sling shots, nun chucks, etc.) on University premises or at any University sponsored activity. In accordance with Texas statutes, there are no restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person who lawfully possesses the firearm or ammunition. This rule does not prohibit pepper spray or mace as a personal safety device.

4.06.02. Possession, ignition or detonation of any explosive device, fireworks, liquid or object that would cause damage to property or injury to persons.

4.07. Misuse or Unauthorized use of University Computing Resources

4.07.01. Use of computing resources for unauthorized purposes

4.07.02. Misuse or abuse of computer equipment, programs, curriculum, or data

4.07.03. Accessing, transmitting, or copying programs, curriculum, records, data, or other electronic information belonging to the University or another user without authorization

4.07.04. Attempting to breach the security of another user's account or attempting to deprive another user of access to the University's computing resources

4.07.05. Unauthorized use of the University's computing resources for personal or financial gain

4.07.06. Transporting copies of University programs, curriculum, records, or data to another person or computer site without written authorization

4.07.07. Attempting to delete, destroy or modify programs curriculum, records, data, or other electronic information belonging to the University or another user

4.08. Disruption of University Activities

4.08.01. Engaging in conduct that unreasonably, materially, or substantially interferes with or disrupts any University teaching, research, administrative, disciplinary, public service, other authorized activity whether on or off campus

4.08.02. Obstructing or restraining the passage of any person on University property, or preventing or attempting to prevent by force, violence or threat, the entrance or exit of any person to or from University property without the authorization of the administration of the University

4.09. Violations of Public Law

4.09.01. Commission of any criminal offense under federal, state, or local law where the conduct of the student or student organization may interfere with the University's objectives and/or responsibilities. This includes, but is not limited to, theft, burglary, arson, rape, and other forms of assault and harassment

4.10. Failure to comply with a University Official

4.10.01. Failure to present student identification to, or comply with directions of, a University official or public official acting in the performance of official duties while on University property or at a University function, or resisting or obstructing a University or public official in the performance of official duties

4.10.02. Failure to heed an official University summons to the office of an administrative officer within the designated time

4.11. Acts of Violence or Abuse

4.11.01. Engaging in disruptive activity, disorderly conduct, abusive language, indecent, profane, or obscene language in a public place; verbal or physical threats, or acts of violence causing injury

4.11.02. Verbal or physical harassment

4.11.03. Stalking behavior in which an individual willfully, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

4.12. Gender-Based or Sexual Misconduct

(NOTE: This information has been adapted from the ATIXA Gender-Based and Sexual Misconduct Model Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2001).

Proceedings for gender-based or sexual misconduct shall provide a prompt, fair, and impartial investigation and resolution; be conducted by officials who receive annual training on the issues related to sexual assault, dating violence, domestic violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The accuser and the accused are entitled to the same opportunities to have others present during a conduct proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Both the accuser and accused shall be simultaneously informed, in writing, of the outcome of any conduct proceeding; the University's procedures to appeal the results of a conduct proceeding; any change to the results that occurs prior to the time that such results become final; and when such results become final.

- 4.12.01. Non-consensual sexual contact in the absence of clear “active consent” ranging from unwanted verbal conduct or sexual touching to penetrative intercourse. Sexual misconduct also includes unwelcome sexual conduct that does not include actual contact. Examples of this conduct include, but are not limited to: crude, obscene or sexually offensive gestures or unwelcome sexual comments that interfere with one’s education or creates a hostile environment. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and standards of the University.
- 4.12.01.01. Acts of sexual misconduct may be committed by any gender
- 4.12.01.02. “Active Consent” is given only when each person expressly agrees to the activity freely, willingly, and knowingly.
 - 4.12.01.02.01. Consent is not achieved when a person is threatened, intimidated, impaired by drugs or alcohol, or any other physical or mental impairment. Silence shall not be interpreted as consent. Lack of resistance shall not be interpreted as consent. Consent may be revoked at any time.
- 4.12.02. Forms of gender-based or sexual misconduct include:
 - 4.12.02.01. Sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
 - 4.12.02.01.01. A condition of instruction, employment, or participation in other University activity;
 - 4.12.02.01.02. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions effecting the individual;
 - 4.12.02.01.03. Such conduct is sufficiently severe or pervasive that it interferes with the individual’s education, employment, or creates an intimidating, hostile, or offensive University environment
 - 4.12.02.02. Non-Consensual Sexual Intercourse: Sexual penetration or contact with any object or body part this is without consent and/or by force or threat. Penetration includes anal, vaginal, and oral penetration
 - 4.12.02.03. Non-Consensual Sexual Contact: Any intentional sexual touching without consent and/or by force or threat
 - 4.12.02.04. Sexual Exploitation: Taking non-consensual advantage of an individual that benefits anyone other than the person being exploited. Examples of this behavior include: video or audio recording, knowingly transmit a sexually transmitted infection (STI), sexually-based stalking or bullying, or exposing one’s genitals
 - 4.12.02.05. Other Gender-Based Misconduct: Physical harm, extreme verbal abuse, or other conduct which threatens or endangers a person’s health or safety on the basis of actual, expressed, or perceived gender identity, including:
 - 4.12.02.05.01. Discrimination: any action that deprives another of access, benefits, or opportunities on the basis of irrelevant criteria

- 4.12.02.05.02. Hazing: acts that would intimidate, humiliate, or socially exclude based on actual, expressed, or perceived gender identity
- 4.12.02.05.03. Bullying: repeated and/or severe aggressive behavior likely to intimidate or intentionally harm, control or diminish another person, physically or mentally
- 4.12.02.05.04. Intimate partner violation: violence occurring between people who are, or have been, in a sexual and/or comparable personal or private relationship
- 4.12.02.05.05. Stalking: behavior in which an individual willfully, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress
- 4.12.02.06. Dating Violence means violence committed by a person:
 - a) Who is or has been in a social relationship of a romantic and intimate nature with the victim; and
 - b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1) the length of the relationship;
 - 2) the type of relationship; and
 - 3) the frequency of interaction between the persons involved in the relationship.
- 4.12.02.07. Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the State.
- 4.12.03. Reporting Incidents of Gender-Based and Sexual Misconduct
 - 4.12.03.01. TAMUCT prohibits the unlawful discrimination on the basis of sex, sexual orientation, gender, gender identity, and gender expression. Sexual harassment is a form of sex discrimination. We encourage our University community to report all alleged violations of the gender-based and sexual misconduct standards. Any member of the University community may report conduct that may constitute a violation of this rule. The Dean of Student Affairs and Assistant Dean of Student Affairs are designated officials within the Division of Student Affairs. If a formal report is submitted, complainants can expect to have their name and relevant information shared with the alleged respondent. Additionally, a formal report also requires that a group of University administrators who need to know will be informed. Reports may proceed to a student conduct hearing.

4.12.03.01.01. Individuals should consider this option if they wish to have formal action taken or wish to inform the University of the situation in case it should happen again.

4.12.03.01.01.01. Formal action may include, but is not limited to, a University no contact order, conduct proceeding, or employment action if the respondent is found responsible.

4.12.03.01.02. Confidential reporting is also available by speaking with a counselor in the TAMUCT Community Counseling and Family Therapy Center.

4.13. Hazing

4.13.01. Any acts directed against a student by another student or by a group of students will be considered hazing if the intent or effect of such acts would intimidate the student or subject the student to indignity or humiliation. Voluntary submission to hazing is also prohibited.

4.13.02. Prohibited behavior includes any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or University into disrepute (See hazing law summary).

4.14. Alcohol

4.14.01. Possession, use distribution, dispensing, sale, or manufacture of alcohol, which is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations

4.15. Drugs/Drug Paraphernalia

4.15.01. The possession, use, distribution, dispensing, sale, or manufacture, of illicit drugs* is prohibited on University property or in connection with any University events and activities. Synthetic drugs that mimic the effects of illicit drugs are also prohibited. Prescription medications and over-the-counter medications are to be used as intended or as instructed. The distribution of prescription drugs without a prescription is prohibited. Drug paraphernalia, including but not limited to, bongs and vaporizers, are not permitted on campus.

*"Illicit drugs" refers to "controlled substances" as defined in Schedules I through IV, Section 22 of the Controlled Substances Act (21 U.S.C. Section 812) and related regulations (21 C.F.R. 1308.11 through 1308.15) as amended. Additional guidance can be found in the TAMUCT Alcohol and Drug procedures.

4.16. Collusion

4.16.01. Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this Code shall be considered to be the same as completed violations

4.17. Abuse of the Campus Conduct System

4.17.01. Knowingly violating the terms of any disciplinary outcome imposed in accordance with University regulations

- 4.17.02. Retaliating against an individual or group for reporting information or participating in any manner in the student conduct process
- 4.17.03. Attempting to discourage any person's participation in the student conduct process
- 4.17.04. Making false or misleading statements or withholding material information before a University conduct proceeding or a University official

Article 5. Disciplinary Procedures

5.01. Initiation of Disciplinary Procedures

- 5.01.01. The University Conduct Officer or designee shall investigate reported student or organizational misconduct. The investigator will gather evidence and evaluate the evidence for accuracy, credibility, and sufficiency. Investigations may be conducted regardless of whether actions of the student may also constitute civil or criminal violations of law
- 5.01.02. When a complaint is filed, the accused student or organization will be asked to meet a conduct officer to discuss the allegations, the conduct process, the rights and responsibilities of parties, and possible outcomes and/or sanctions.
 - 5.01.02.01. The initial meeting is an opportunity for the respondent to discuss the allegations, ask questions about the Code, the conduct process, and the options that are available.

5.02. Notification

- 5.02.01. When a complaint is filed with the Office of Student Conduct, a notification is sent electronically to the respondent's TAMUCT MyCT email address. It is the responsibility of the respondent to regularly check the MyCT email account
 - 5.02.01.01. The conduct notification shall include the following:
 - 5.02.01.01.01. A description of the alleged misconduct;
 - 5.02.01.01.02. A citation to the Code of Student Conduct standards in question
 - 5.02.01.01.03. A copy of the Texas A&M University System Student Rights & Responsibilities
- 5.02.02. Notice that the respondent must schedule an initial meeting with the specified conduct officer within a specified time frame
- 5.02.03. If the conduct officer is unable to contact the respondent or organization representative, in person, via e-mail, or via telephone, within the specified time frame, the notice of disciplinary action and procedures will be mailed to the respondent's address of record maintained with the University.
- 5.02.04. 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 hearing, the University may conduct a conduct hearing at which the respondent is not present. A conduct officer will hear the evidence, weigh the facts, and render an appropriate decision.

5.03. Due Process

- 5.03.01. The Division of Student Affairs and the Office of Student Conduct shall ensure that hearings comply with A&M System policies, and state and federal law

- 5.03.01.01. Respondents have the right to know the allegations with which they are charged and to respond to those charges.
- 5.03.01.02. Respondents have the right to review all evidence against them
- 5.04. Interim Disciplinary Action
 - 5.04.01. The Dean of Student Affairs or designee may take immediate interim action when it is believed that the presence of a student on campus: poses a continuing danger to persons or property; presents a threat of disrupting the academic process; or, when required to ensure the student's own physical or emotional well being. An administrative hearing will be scheduled as soon thereafter as practical.
 - 5.04.02. Interim actions include, but are not limited to, interim restrictions and interim suspension.
 - 5.04.03. Interim disciplinary action will be considered in all gender-based and sexual misconduct violations.
 - 5.04.04A student who is part of an active conduct process may remain in good standing with the University, at the discretion of the Office of Student Conduct.
- 5.05. Support Persons in the Conduct Process for Non-Gender Based or Sexual Misconduct
 - 5.05.01. Respondents may have a support person attend all conduct hearings.
 - 5.05.01.01. A support person may provide advice to a respondent. A support person is not permitted to speak to a hearing body or act on behalf of a respondent. Failure to comply with this limitation may result in removal of the support person from a conduct hearing.
 - 5.05.01.02. Respondent may designate an attorney as a support person. Designation must be provided to the Assistant Dean of Student Affairs not less than forty-eight (48) hours prior to the conduct hearing. The University reserves the right to be represented by legal counsel when an attorney acts as a support person.
- 5.06. When not an attorney, the support person should be a member of the University community.
- 5.07. Administrative Disposition
 - 5.07.01. Respondents may waive a formal hearing and attempt to resolve allegations of misconduct through an administrative disposition with the assigned conduct officer. The University reserves the right to forward a case to formal hearing.
 - 5.07.02. Administrative dispositions apply to situations in which the respondent: does not dispute the allegations; accepts responsibility for the conduct at issue; and is not subject to suspension, dismissal, or expulsion. If a violation of the Code of Student Conduct is confirmed, the respondent will be found responsible and an outcome will be assigned.
 - 5.07.02.01. A respondent may be held responsible for additional violations that may arise during the administrative disposition.
 - 5.07.03. A respondent who resolves allegations of misconduct through an administrative disposition may only appeal the assigned sanctions or

outcome(s) described in 6.02.04, 6.02.05, & 6.02.06 of this Code. The appeals procedure is set forth in Article 8 of this Code.

5.07.04. Respondents who do not participate in an administrative disposition may resolve allegations of misconduct through a formal hearing as described in 5.07, 5.08, & 5.09 of this Code.

5.08. Formal Hearing & Disposition Procedures

5.08.01. In cases where a respondent disputes facts upon which the allegations of misconduct are based, or the respondent chooses not to waive the hearing procedure, a Student Conduct Panel will hear the charges of alleged misconduct.

5.08.02. All practices as outline in Article 5, Section 5.01 through 5.05 shall be observed.

5.09. Student Conduct Panel

5.09.01. Each panel shall be appointed by the President of the University and be composed of two (2) student members, two (2) faculty members, and one (1) staff member, unless:

5.09.01.01. Violations alleged under 4.14 (Gender-based & Sexual Misconduct). In such cases, the student members shall be recused from the Student Conduct Panel.

5.09.02. TheAssistant Dean of Student Affairs serves as the advisor to the Student Conduct Panel. The Advisor may not attend deliberations of the Student Conduct Panel and shall only provide guidance to the panel on matters of procedure, process and code interpretation.

5.10. General Rules for Student Conduct Panel Hearings

5.10.01. Not later than 3 days before a hearing, a respondent shall provide theAssistant Dean of Student Affairs the list of witnesses who may be called to provide material information.

5.10.02. Witnesses will be notified promptly and will be asked to submit witness statements not less than two days before hearing.

5.10.03. Only members of the Student Conduct Panel, its advisor, the respondent(s), complainant(s), and witnesses being actively questioned by the Student Conduct Panel may attend a hearing.

5.10.04. Only members of the Student Conduct Panel may question witnesses or complainants.

5.10.04.01. A respondent and complainant may submit questions, which may be posed by the panel, at the panel's discretion. Questions to the panel must be submitted 2 days prior to the hearing.

5.10.05. The Student Conduct Panel shall have access to all hearing materials no later than one day in advance of the hearing.

5.10.06. A complainant and respondent may review all hearing evidence at the Office of Student Conduct a reasonable time and at least 2 days prior to the hearing.

5.10.07. All parties must arrive at least 30 minutes prior to their hearing time.

5.10.07.01. All parties, witnesses, and panel members must remain on campus and available to the Student Conduct Panel on the day of the hearing until excused by theAssistant Dean of Student Affairs.

- 5.10.08. The Student Conduct Panel shall submit the body's decision to the Office of Student Conduct within 2 days after the conclusion of the hearing.
- 5.10.08.01. The Office of Student Conduct will notify the respondent of the decision within 1 day of its receipt; or
- 5.10.08.02. The Office of Student Conduct will notify the complainant and respondent within 1 day, for cases involving gender-based or sexual misconduct
- 5.10.09. All hearing materials will remain in the hearing room in the custody of the Assistant Dean of Student Affairs to be shredded at the conclusion of the hearing
- 5.10.10. TAMUCT does not record formal hearings. Recording devices are prohibited in a student conduct hearing.
- 5.10.11. For hearings involving alleged violations of Article 4, Section 4.12, (Gender-based or Sexual Misconduct) complainants and respondents will attend in separate rooms.
- 5.10.11.01. For hearings involving alleged violations of Article 4, Section 4.12, both a respondent and complainant may appeal decisions of the Student Conduct Panel
- 5.10.11.01.01. All appeals must comply with the guidelines of Article 8 of this Code.

Article 6. Conduct Outcomes

6.01. Application of Sanction/Outcomes

- 6.01.01. Outcomes for violation of Code of Student Conduct may be administered regardless of whether actions of the student are also civil or criminal law violations. Whenever disciplinary actions lead to the student leaving the University, grades will be assigned in accordance with the University grade policy and the academic calendar. One or more of the following conduct outcomes may be imposed by the University upon individuals, groups, or organizations.

6.02. Possible Outcomes

- 6.02.01. Reprimand: An oral or written notice to the student or organization that the conduct in question violates University regulations. A reprimand becomes part of a student's or organization's disciplinary record in the Division of Student Affairs. Notification of reprimand is also sent to an organization's president and/or advisor, and to the chapter's national headquarters, when applicable.
- 6.02.02. Loss of privileges: The University may take away certain privileges, when appropriate. Examples include prohibitions on: joining, maintaining membership, or holding leadership roles in an organization; denial of participation in extracurricular activities and social events; blocking enrollment for a specified period; withholding of a degree; and recommending a grade reduction or failing grade in a course.
- 6.02.03. Imposition of tasks: The University may require performance of certain tasks. Examples include: making restitution, whether monetary or by specific duties; performing community service; attending education

seminars; performing additional academic work not required of other students in a specific course; moving to another residence hall or within the same hall; and paying special fees, fines, or service charges.

- 6.02.04. Disciplinary probation: Disciplinary probation is levied for a specific period of time based upon the seriousness of the circumstances. Probation carries with it a warning that any further violation of University regulations may result in more serious consequences, including suspension or expulsion. Probation becomes part of a student's or organization's disciplinary record in the Division of Student Affairs.
- 6.02.05. Suspension: A student may be suspended from the University for a definite period of time or until written specified conditions are met. In no case shall suspension be for less than the remainder of the semester in which the violation was committed. Students found responsible for violating any part of section 4.12 and/or its subsections may receive suspension or expulsion. A student who is suspended must apply for readmission to the University. Upon request, eligibility for readmission will be considered by the University, but is not guaranteed. See also Article 7, Return from Suspension.
- 6.02.06. Expulsion: Expulsion is reserved for the most serious violations of the Code of Student Conduct. A student who is expelled from the University is not eligible for readmission.

Article 7. Return from Suspension

- 7.01. A hold is placed on the records of all students who are placed on suspension. Students or organizations suspended from the University must qualify for readmission. Before applying for readmission, a suspended student or organization must request readmission clearance from the Office of Student Rights & Responsibilities at least three (3) weeks prior to the first day of classes for the semester or summer session in which registration is requested.
- 7.02. Evidence supporting the ability to function properly in a University environment may be required.
- 7.03. If readmission clearance is approved by the Office of Student Conduct, the student or organization must apply for readmission to the appropriate office.
- 7.04. The Office of Student Conduct may deny a request for readmission if, there is sufficient evidence that the student's or organization's conduct during the suspension would have warranted disciplinary action, or if the student or organization has failed to complete tasks imposed in the student conduct process. The Office of Student Conduct shall set a new date at which another application for readmission may be made.
 - 7.04.01. Students may appeal a decision to deny readmission pursuant to Article VIII procedures

Article 8. Appeals

8.01. Procedures

- 8.01.01. An appeal is not intended to afford a full rehearing of the case.

8.01.02. Any respondent has the right to request an appeal of the final decision of the assigned hearing body after the adjudication of cases involving sanctions 06.02.04, 06.02.05, & 06.02.06.

8.01.02.01. For violations of Article 4, Section 4.12, both the complainant(s) and respondent(s) may appeal the decision of the Student Conduct Panel.

8.01.02.02. Respondents and complainants are limited to one (1) appeal per incident.

8.01.03. In all appeals the burden of proof lies with the student.

8.01.04. A student or organization shall request an appeal hearing to the Dean of Student Affairs not later than two days after a disciplinary decision has been rendered. The appeal must be in writing and shall state the following:

8.01.04.01. Name, address, telephone number, and University identification number of the appellant;

8.01.04.02. Nature of disciplinary action against the appellant and the name of the assigned hearing body;

8.01.04.03. The grounds for appeal and any supporting documentation;

8.01.04.04. Signature of the appellant and date of submission

8.02. Appeals and Interim Suspension

8.02.01. Should a student who is on interim suspension be sanctioned to full suspension or expulsion wish to appeal the outcome of their conduct hearing, they shall remain on interim suspension and comply with all requirements of the interim action until the completion of their appellate process

8.03. Grounds for Appeal

8.03.01. All appeals must include one or more of the following grounds:

8.03.01.01. Violation of the student's rights – to determine whether the University failed to follow its published disciplinary procedures and if any such failures negatively affected the student's ability to rebut the conduct charges;

8.03.01.02. Severity of the sanction – to determine whether the sanction is too severe or not severe enough for the violation;

8.03.01.03. New information – to determine whether new information, not reasonably available at the time of the hearing, would result in a different outcome

8.04. Timeline for Appeals

8.04.01. The Dean of Student Affairs or designee, upon receipt of the request for appeal, shall set the date, time, and place for the review and shall notify the appellant in writing within 3 days after the request is submitted.

8.05. An appellant, who fails to appear for the appeal, forfeits the right to present the appeal in person.

8.05.01. The University reserves the right to deviate from the time frames, above, for extenuating circumstances. All appropriate parties will be notified when a deviation occurs.

8.06. Appellate Body

8.06.01. The appellate body shall consist of the Dean of Student Affairs, as chair, and two University administrators who are lateral to and/or not supervised by the Dean of Student Affairs.

8.07. Decisions by the Appellate Body

8.07.01. The appellate body is only authorized to make the following decisions:

8.07.01.01. Make a final decision regarding the outcome, or;

8.07.01.02. Remand the case to the lower hearing body with instructions for further action.

Article 9. Student Conduct/Disciplinary Records

9.01. Record of Sanctions

9.01.01. All outcomes in Article 6 become part of the student's educational record.

9.01.01.01. Outcomes 6.02.04, 6.02.05, & 6.02.06 shall be noted on the respondent's transcript. In cases of 6.02.04 and 6.02.05, notification will remain during the period the sanction is active.

9.01.01.02. Notification of suspension (6.02.05) shall indicate the date on which the suspension begins and the earliest date on which application may be made for readmission.

9.02. Student conduct records shall be retained for six (6) years from the date of the final decision. Student conduct records may be retained for as long as deemed administratively valuable or permanently if the student was suspended, blocked from reenrollment, or expelled. Additionally, conduct records in cases involving gender-based and sexual misconduct shall be retained for as long as deemed administratively valuable or permanently.

9.03. Expunging Student Records

9.03.01. Student conduct records may be expunged for good cause by the Dean of Student Affairs and/or designee, upon receipt of a written request by the student. Expulsions and suspensions are not eligible to be expunged.

9.03.02. Factors considered in expunging records include, but are not limited to:

9.03.02.01. Conduct of the respondent subsequent the violation;

9.03.02.02. Nature of the violation and severity of any damage, injury, or harm resulting from the violation, and;

9.03.02.03. The present demeanor of the requestor.

9.03.03. Decisions will be communicated to the student in writing.